





HEARINGS

BEFORE A

Joint Committee on Naval Affairs

JOINT COMMITTEE OF THE COMMITTEE ON NAVAL AFFAIRS

OF THE

HOUSE OF REPRESENTATIVES

AT THE

UNITED STATES NAVAL ACADEMY,
ANNAPOLIS, MARYLAND,

ON

THE SUBJECT OF HAZING AT THE NAVAL ACADEMY.



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(House Concurrent Resolution No. 26.)

Resolved by the House of Representatives (the Senate concurring), That there be printed five thousand copies of the hearings before the subcommittee of the Committee on Naval Affairs of the House of Representatives, Fifty-ninth Congress, at the United States Naval Academy, Annapolis, Maryland, on the subject of hazing at the Naval Academy, with accompanying report, three thousand five hundred copies for the House of Representatives and one thousand five hundred for the Senate.

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HAZING AT THE NAVAL ACADEMY.

HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON NAVAL AFFAIRS OF THE HOUSE OF REPRESENTATIVES.

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., February 15, 1906—1.30 o'clock p. m.

Present: Messrs. Vreeland (chairman), Loud, Gregg, Padgett, and Dawson.

STATEMENT OF REAR-ADMIRAL JAMES H. SANDS, U. S. NAVY.

The CHAIRMAN. How long have you been superintendent of the academy?

Admiral SANDS. Since the 1st of July, 1905.

The CHAIRMAN. Who was your immediate predecessor?

Admiral SANDS. Admiral Brownson, from November, 1902, to June, 1905.

The CHAIRMAN. This committee is a subcommittee of the Naval Committee of the House of Representatives. We are sent here for the purpose of obtaining such information as we can, relative to the discipline and management of the Naval Academy, particularly as such discipline and management may pertain to the practice of hazing, or bear upon it. Will you give us, Admiral, in your own way, a statement of the official organization under your control, your methods of promulgating your orders and of maintaining discipline by means of naval officers under your control?

Admiral SANDS. The orders which the superintendent may find it necessary to give in order to maintain discipline, are issued to the commandant of midshipmen, who conveys them to his assistants, four of whom are discipline officers, and one an officer detailed for the business matters of the midshipmen. Each of these discipline officers has under his immediate supervision 3 companies of midshipmen, of the 12 which form the brigade. They are called officers in charge of divisions. Each has his office as near the middle of his division as it is convenient to place it, and at that office he hears all complaints, judges of all reported offenses pertaining to his division, and transmits the results of his investigations, as far as they pertain to his division, to the commandant. In addition to this duty he has one day in four—there being only four of these officers—a tour of twenty-four hours, during which he is responsible for the conduct of the midshipmen both day and night. He is in actual sight, during all the

working hours, of midshipmen, and he sleeps under the roof with them, ready to be called at any moment when his presence may be necessary by those who are watching during the night. The building is Bancroft Hall, and the officer in charge sleeps in the hall, and has the entire supervision of the building with its 500 rooms on several floors. In addition to this duty as officer in charge, once in four days the officers in charge of divisions are responsible for the care and good order of all the rooms occupied by their divisions. They must make frequent inspections and see that everything is kept in exact accordance with the details of the regulations. They are occupied in these inspections every forenoon from 9 to 12. All reports are sent to the officer of the division concerned, and by him examined, passed upon and his opinion sent in writing, if necessary, to the commandant of midshipmen, who, if the case admits of any doubt at all, investigates himself, and if it is at all serious, brings the result of his investigations, in writing, to the superintendent, who in turn examines every offense and the demerits that have been awarded, and approves or disapproves as he thinks proper under the circumstances. The person making the original report signs the report; the person by whom it is first investigated signs it; the commandant of midshipmen affixes his signature, and the approval is signed by the superintendent, and then it is recorded as a finished act.

The CHAIRMAN. Then for disciplinary purposes you have the commandant of midshipmen and four officers besides?

Admiral SANDS. Yes, sir; that is all. Of course the Navy Regulations require that every officer who witnesses an infraction of the regulations shall report the same, but that is only a casual thing. It applies to all professors and instructors in the naval service.

The CHAIRMAN. But for purposes of enforcing the regulations of the academy you have these five men.

Admiral SANDS. Those five men; yes, sir.

The CHAIRMAN. I notice two sets of regulations. First, the Regulations for the Interior Discipline and Government of the United States Naval Academy, and the other, Regulations of the United States Naval Academy, dated 1901 and 1902, respectively. All of the regulations are contained in these two books, except such as are contained in orders that are delivered from time to time.

Admiral SANDS. And the Naval Regulations, under which all officers of the Navy serve.

The CHAIRMAN. Are all of the midshipmen provided with copies of these regulations?

Admiral SANDS. Yes, sir; they all have those.

The CHAIRMAN. Has any set of regulations been printed and issued since 1902?

Admiral SANDS. I have finished revising regulations which I intend to publish, but which are not yet ready for the printer; but nothing else has been promulgated except by orders. Changes have been made by orders which have been published in the bulletin board.

The CHAIRMAN. Have the orders which have been issued and posted contained anything in reference to hazing?

Admiral SANDS. Nothing under the name, but the order which I gave, first verbally, when the brigade was reorganized about the middle of October, and subsequently published by authority of the Secretary of the Navy about the middle of December, stated that

the cadet officers and petty officers were on duty at all times, day and night, and were responsible for the preservation of order and the maintenance of discipline, the suppression of all disorders, without naming hazing at all. "All disorders," included hazing, as it did every other disorder, and they were allowed no discretion in the matter of reporting. In cases of doubt they were to refer the matter to the divisional officers and abide by their decision.

The CHAIRMAN. Admiral, in March, 1903, an act of Congress was passed which provided as follows:

That the Superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy, and shall not thereafter be reappointed to the Corps of Cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

You have only been here since the commencement of the present school year, in October last?

Admiral SANDS. No; I was here from July 1, 1905, but the school year did not begin until October 14.

The CHAIRMAN. The cadets were here?

Admiral SANDS. The fourth class were here during July, and from July on to October.

The CHAIRMAN. Were the other classes here?

Admiral SANDS. The others were not here. There was only the one class, the fourth class.

The CHAIRMAN. Can you tell us whether, since March 3, 1903, any new and special rules and regulations have been made by the Superintendent of the academy for the purpose of complying with this act of Congress of March 3, 1903?

Admiral SANDS. There is nothing of record in my office; but I have learned from the testimony of a midshipman brought before the board of investigation, that the former Superintendent had a personal agreement with the midshipmen that there should be no hazing; and it is stated that there was no physical hazing after that agreement was made.

The CHAIRMAN. Can you tell us about the date when that agreement is said to have been made?

Admiral SANDS. It was said to have been made in 1903, probably at the beginning of the school year. In fact, it was stated, I think, if my memory serves me, that it was the first day of their return from the cruise, which would be September 1.

The CHAIRMAN. September, 1903?

Admiral SANDS. September, 1903.

The CHAIRMAN. But aside from the agreement of the Superintendent with the members, I suppose of the senior class——

Admiral SANDS. Of the senior class, apparently. I know of no other. It was the senior-class men, I think——

Mr. GREGG. The second class?

Admiral SANDS. No; I can not answer that at all.

Mr. GREGG. The second class?

Admiral SANDS. I am not able to answer that. I do not know who was included in it.

The CHAIRMAN. You do know, from the evidence taken by the

investigating committee, that an agreement was made—with which class?

Admiral SANDS. The class of the person who was giving the testimony, whose name was Allan J. Chantry, the man who passed No. 1 in the class that just graduated.

The CHAIRMAN. His testimony was that an agreement was made by Superintendent Brownson with what class?

Admiral SANDS. I understood with his class

The CHAIRMAN. What was his class?

Admiral SANDS. They graduated in 1906, this year; therefore when they returned from the cruise, he must have been a third-class man.

The CHAIRMAN. The agreement then was made with members of the third class?

Admiral SANDS. I gathered that from the testimony.

The CHAIRMAN. Do you know of any agreement having been made by Superintendent Brownson with any of the other classes?

Admiral SANDS. No; That is the only agreement I know of.

The CHAIRMAN. Do you know of any orders or regulations having been issued by Admiral Brownson upon the subject of hazing?

Admiral SANDS. There are none of record, at all. I have had my files searched and can find nothing.

The CHAIRMAN. Admiral, the commencement of this school year was in October, and then all of the classes were here and ready to commence the school work. Can you tell us when the epidemic of diphtheria broke out or existed here in the school?

Admiral SANDS. Approximately September 15.

The CHAIRMAN. About the commencement, or just before the commencement, of the school year.

Admiral SANDS. Yes; I had to postpone the opening of the academy, first one week, and then followed by another.

The CHAIRMAN. Admiral, when did you first find that hazing existed here at the academy after your advent?

Admiral SANDS. With the nearly fatal injury to Midshipman Kimbrough.

The CHAIRMAN. What date was that?

Admiral SANDS. That, I should think, was about the 10th of December—about the 10th of December.

The CHAIRMAN. Until that time did you suppose that there was no hazing in the school?

Admiral SANDS. I was positive there was no hazing; but I was informed by an anonymous communication that there was hazing. It seemed to me so preposterous, the charges that were made—without mentioning any names of individuals—that although I directed the commandant to make an investigation and report, I was fully prepared for his answer, which was that he had asked all the officers and they said it was simply impossible that anybody could do what they were accused of doing. He said he had inquired among the midshipmen and found that there was no suspicion of any such thing. The President apparently received a letter on the same subject from the same person and the Secretary of the Navy also. I replied to the name given in this anonymous communication—the way I found it was anonymous was because the letter was not delivered—and on one of my visits to the Department the Secretary

handed me the letter to the President, the handwriting of which I recognized. I told him I had a letter of similar purport from the same person, and that I had inquired into it, and as I suspected there was no foundation for such a report, as the witnesses were said to be these irresponsible 12-year old, dirty negro waiters who were serving the midshipmen at the table.

Mr. DAWSON. About what was the date of this letter? Do you remember?

Admiral SANDS. The date of this letter was about—some time after the 1st of January. It was about a month before this thing turned up.

Mr. DAWSON. Then, was that after the Kimbrough affair or before?

Admiral SANDS. It was before the Kimbrough affair; about a month before the Kimbrough affair.

Mr. DAWSON. Then, it was in November?

Admiral SANDS. November, of course. Not January. That is what I meant. It was just about a month before the Kimbrough affair. Scratch out January, please. The Secretary, however, was not content, and he replied to this communication. It was to one Moses Green, of Annapolis. Not hearing anything more, when I returned to Annapolis I asked the postmaster if that letter of mine had been delivered to him, and he sent me back my letter and also the letter from the Secretary of the Navy, saying there was no such person in Annapolis. I sent those on to the Navy Department, and have heard nothing of that since.

Then, when the Kimbrough affair came about, I—no, my memory serves me better. About two days before the Kimbrough affair the commandant came to me and said that he had reason to believe, on further inquiry, that there was some truth in the reports made in this anonymous communication, and I directed him to continue his investigation, and let me know the result.

The first meeting of the board of investigation was unsuccessful. There appeared to be reluctance on the part of all the midshipmen to give testimony, and before the day was over it was ascertained that some one was trying to prevent them from giving testimony.

Mr. DAWSON. May I ask, right here, who convened the board of investigation? Will you state that, so it will go into the record?

Admiral SANDS. I convened the board of investigation at once, giving them directions to begin with the fourth class of the first company of the brigade, and to go through the entire brigade wherever the testimony led them, and to report the results and make such recommendation as would forever prevent, I think it was, "the cowardly and ungentlemanly practice of hazing;" something of that kind. I do not know the exact wording.

Mr. DAWSON. Was that in the instruction to the board?

Admiral SANDS. That was in the instruction to the board. I do not know the exact wording. The result of the first days' work of investigation showed that there was some attempt made to prevent a full account on the part of the young men as to what was going on. Thereupon I communicated with the Navy Department, and received authority to administer oaths to the witnesses—the law requires that it must be done by the authority of the Navy Department—and I dissolved the board and reassembled it again, reorganized it, next morning, with power to administer oaths. That

board is in existence to-day, and it will not be dissolved while I am at the Naval Academy. They are ready to assemble at any moment, and they will be assembled at odd times, to determine whether anything contrary to regulations is going on.

The CHAIRMAN. Will you state, Admiral, the names and rank of the members comprising the board, so that we may have it in the record of the hearing?

Admiral SANDS. Lieutenant-Commander Durell, Lieutenant-Commander Wiley, Lieutenant-Commander McVay, jr., with Lieutenant Raymond Stone as recorder.

Mr. PADGETT. There has been a change of that board, has there not? One member of the board has gone out and a new one has been substituted?

Admiral SANDS. No, sir.

Mr. GREGG. You are thinking of the court-martial, probably.

Mr. PADGETT. Yes; that is the court-martial. They had a change. That is right.

The CHAIRMAN. The evidence before the investigating committee seems to show that hazing was going on quite early in the school year; that it commenced immediately upon the return of the higher classes from their summer cruise. In the mess room is one of these four officers present during the meals of the students?

Admiral SANDS. Always.

The CHAIRMAN. I notice in the evidence that boys were sent under the table and stood on their heads between the tables, with more or less frequency. Could this happen and the officer in charge not know about it?

Admiral SANDS. Yes. That is the reason the officer told me those charges were absolutely false. Nothing occurred anywhere within his sight, and therefore he concluded it did not occur anywhere. There are nearly 900 midshipmen in one mess hall—20 at a table. That would make about 44 tables. There must be 20 tables on either side of him in the length of that mess hall. Away down at the other end, he does not know anything that is going on.

The CHAIRMAN. The cadet officers are also in charge of the different tables?

Admiral SANDS. Yes.

The CHAIRMAN. One at each table?

Admiral SANDS. Two at each table.

The CHAIRMAN. Is it the duty of these cadet officers, under the regulations of the academy, to report anything of that kind; any disorder?

Admiral SANDS. Yes, sir.

The CHAIRMAN. The cadet officers, then, failed to perform their duty?

Admiral SANDS. Absolutely; and they not only failed to perform their duty, but they were the first in the infraction of the regulations, themselves. That does not apply to all of them, however. In the board of investigation it is stated that there was one company, the members of the fourth class of which were examined, and after they had examined a few they stated, "It appears that there is no infraction of regulations in this company, and therefore we do not feel it necessary to examine any more of the members of this company. We wish to state that the officer in command of this company was

Cadet Lieutenant Collins," and they named one or two others, but I do not know who they are. But it was so apparent that discipline had been maintained in that company that they went no further in their investigation. That is the third company in the brigade.

The CHAIRMAN. Under the code of honor that existed among the cadets, under this hazing system, they conceived it to be their duty to shield their companions rather than to perform the duty imposed upon them, of reporting such infractions of the rules?

Admiral SANDS. That has been the case with them always. That is what they claim, at least.

The CHAIRMAN. At night, in their corridors, is there an officer on each floor?

Admiral SANDS. The only officer in the whole building is the officer in charge that I spoke of.

The CHAIRMAN. But there is a cadet officer on each floor, is there not, or two?

Admiral SANDS. There are cadet officers on each floor, each one in charge of his own company, with subordinate officers and petty officers, who should maintain discipline.

The CHAIRMAN. Are there no watchmen there under the control of the Department, besides these men?

Admiral SANDS. They have an orderly to patrol the building, but it is impossible for one man to keep a lookout on the whole building.

The CHAIRMAN. Only one orderly?

Admiral SANDS. Yes; and I am under the impression that the watchmen, who serve eight-hour tours, are not in the building at all after 10 o'clock.

The CHAIRMAN. How many floors are there in the hall?

Admiral SANDS. Four floors; two wings.

The CHAIRMAN. Then, fights could take place in the rooms, could easily take place, without it being known to the naval officer in charge?

Admiral SANDS. Oh, yes, sir; without question; whenever they pleased. The discipline is dependent upon the will of the cadet officers and petty officers, who know everything that is going on—or who know everything that is going on in their companies.

Mr. DAWSON. Are the assignments of rooms made by companies? That is, do the boys of a particular company occupy a particular section of the floor?

Admiral SANDS. Yes. The companies are formed of all the classes, the first, second, third, and fourth classes, and the cadet officers and petty officers of the senior class—at present the second class, because there is no first class here now—are right in the midst of their men. Therefore they should know what they are thinking of even and be able to forestall any intended outbreak.

The CHAIRMAN. Admiral, can you tell me about the highest number of cadets you have had here during the present school year?

Admiral SANDS. Eight hundred and eighty-one.

The CHAIRMAN. Can you tell me how this compares with the number at the academy before the recent increase under an act of Congress?

Admiral SANDS. It is about three times the number.

The CHAIRMAN. About three times the number?

Admiral SANDS. Yes.

The CHAIRMAN. Under this law what will be about the maximum number of cadets that will attend the academy or that may attend?

Admiral SANDS. About 930.

The CHAIRMAN. Can you tell me as to whether the number of officers put at your disposal for the purpose of enforcing discipline and the regulations of the academy has been increased proportionately since the passage of that law?

Admiral SANDS. It has not.

The CHAIRMAN. Has any increase been made?

Admiral SANDS. I am informed that there has been an increase made, but the Navy Department gave me every officer that was available. It never was able to give me the officers that were necessary. When we started in the academic year I reported that we were 4 officers, I think—3 or 4—below the minimum. I had named it as low as it was possible to get on with the duty, and I have never been able to get the requisite number. The Department is calling on me now for officers that are absolutely necessary to relieve the officers that are overtime at sea, and I am compelled to make some arrangement which is not for the benefit of the service or of the midshipmen in order to meet that emergency. But it can not be helped. They have done everything they possibly can do, and there is no criticism intended of their actions and there can not be any.

The CHAIRMAN. The control of the number of officers placed at your disposal for disciplinary purposes is entirely with the Secretary of the Navy?

Admiral SANDS. Simply in giving me the officers. I appoint all the people to all the posts. I detail every officer that is under my command here. The Navy Department sends me the number of officers they can spare and I divide them up in accordance with my judgment.

The CHAIRMAN. Divide them up how?

Admiral SANDS. I assign them to the different departments and to the department of discipline as well.

The CHAIRMAN. Do I understand, then, that you can increase the number of officers in the department of discipline if you choose or if you are able to take them from some other department under your command?

Admiral SANDS. Yes, sir; nobody has control over that but myself.

The CHAIRMAN. What other duties do officers have here who are not instructors in classes?

Admiral SANDS. There are the drills, which are going on all the time, and in addition to that the duties of instruction. They have work every day in the classroom. They have work with the engines of vessels put here for the purpose of teaching the midshipmen engineering. For instance, this afternoon 175 midshipmen have gone on board the *Newark* to drill at the battery. They require officers of two departments to conduct that drill. We have four departments here with the officers interchangeable, because all are required in each department at certain times for drills. They are doing that work besides the work of instruction.

The CHAIRMAN. You think the number of officers for disciplinary purposes here is very much too small?

Admiral SANDS. Very much too small; yes, sir.

The CHAIRMAN. You are suffering the same as all departments of the Navy are suffering—from lack of officers?

Admiral SANDS. Yes, sir; from lack of officers. They have assured me at the Department that they will not call upon me for an officer who is not absolutely needed at sea. Two officers were detached to-day.

The CHAIRMAN. When did you first learn, Admiral, that an agreement had been reached between Admiral Brownson and one of the classes—the senior class, I think?

Admiral SANDS. The investigation had been in progress, I think, about three weeks when the commandant reported to me that the person who was designated as president of his class had stated to him that this agreement had been made, and I required the commandant to have that midshipman make that statement in writing to me, in order that I might not have any misunderstanding in regard to it.

The CHAIRMAN. Have you the statement of the midshipman in writing?

Admiral SANDS. I have it down at my office; but I sent a copy of it immediately to the Bureau of Navigation, and later—I suppose about one week later—this Midshipman Chantry, who stands at the head of his class and who was the cadet lieutenant-commander in charge of the first battalion of the brigade, came before the board of investigation and swore to all practically that was contained in this letter of the president of his class. That is in the report of the investigation which you read. It is practically the same thing.

The CHAIRMAN. We read that in the report of the investigation, but I would like to have a copy of that letter put into the record of this hearing. Do you see any objection?

Admiral SANDS. None at all. If you will ring the bell, I will have a copy made. I am going to be absent to-morrow, you know.

(The letter above referred to was subsequently handed to the chairman by Admiral Sands and is as follows:)

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., January 6, 1906.

SIR: I wish to make a statement to you of the situation as it is at present among the midshipmen regarding the question of hazing.

While it is much to be regretted that a number of those so intimately associated with the government of a nation should hold a sentiment that should reflect so unfavorably on that nation, it is surely true that such a sentiment could not be corrected save by inviting to it the closest scrutiny. This has been done in this case by means of the investigation that is going on here at present.

The strongest encouragement that hazing receives lies in the fact that it is a custom of long standing. It is not kept alive by the peculiar ethics of one or of several classes of midshipmen. We are sworn to uphold the laws of the United States and of the Navy, one of which positively forbids hazing in any form. The mistake here apparent came with hazing, and never until lately has it been fully realized nor the obligations of our oath been so fully understood.

Sir, any number of courts-martial or dismissals of midshipmen can not insure that in the future this same mistake will not again creep in. But if the midshipmen as a whole should create a sentiment against hazing as strong in itself as has been the one of the past for hazing, that sentiment, following the natural way of any good sentiment or custom in the Navy, would effectually and for all time put a stop to the practice of hazing. In view of the facts that discipline commands that hazing be stopped and that the prestige of the Navy requires it, it is my firm conviction that the midshipmen are now ready and willing to create this sentiment, and the dictates of duty would protect that sentiment against anyone who endeavored to brave it.

The honor of the midshipmen has been questioned in connection with this affair, but you know that, while they might have been confused by circumstances as to what was right and wrong, they have never violated their word of honor when it has been once given.

In former years, at the instance of the then Superintendent of the Naval Academy, promises were made by the midshipmen to refrain from hazing and those promises were adhered to. In a personal interview that I, myself, had with that superintendent, toward the close of the last academic year, I was told by him that he did not feel that he had a right to leave behind him anything that might interfere with the ideas of the succeeding administration. For that reason he said that the midshipmen could consider that they were released from all promises made to him. As Superintendent you have not required that those promises be made again, pointing out that they were unnecessary, in view of our obligations as midshipmen. So that this year any hazing that was done was not a violation of any promise or word of honor. These facts should fully relieve our honor of any shadow that is at present upon it.

I earnestly request that the midshipmen be allowed an opportunity of proving themselves competent in this matter and that their present spirit be accepted as a reason for showing clemency to those who are liable to be punished for their participation in a general fault.

Respectfully,

RONAN C. GRADY,
Midshipman, First Class.

The SUPERINTENDENT.

Mr. GREGG. Is that letter from Chantry or Grady?

Admiral SANDS. That is from Grady.

Mr. GREGG. Grady was the class president?

Admiral SANDS. He was president of the class.

Admiral Sands also presented to the subcommittee a communication from himself to Midshipman Grady, in reply to the above letter. Said communication is as follows:

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., January 6, 1906.

SIR: I am in receipt of your letter of the 6th instant in which you give an opinion of the means I should adopt in order to eradicate the offense of hazing. You rightly state that the midshipmen "are sworn to uphold the laws of the United States and of the Navy, one of which positively prohibits hazing in any form." You further say that "any number of courts-martial or dismissals of midshipmen can not insure that in the future this same mistake (of hazing) will not again creep in." In this statement I differ with you in toto. I have ordered that the cadet officers and petty officers shall be held responsible for the discipline of their commands day and night, and as you have very properly acknowledged that you are bound by your oath to carry out the laws and regulations it will be impossible for hazing or any other serious infraction of the regulations to occur if you are true to your oaths and have a proper manly sense of duty. This matter rests entirely with the cadet officers and petty officers of the brigade. In your intimate association, one with the other, you all know who are honorably doing their duty and who are shirking it and allowing a few cowards to disgrace the Academy.

If the midshipmen as a whole, as you suggest, can "create a sentiment against hazing as strong in itself as has been the one in the past for hazing," it is your duty and the duty of every cadet officer to see that sentiment inaugurated at once. Under your oath you are compelled to do this, and no "hair splitting" on the part of a few malcontents can release you from that obligation.

You say that it is your "firm conviction that the midshipmen are now ready and willing to create this sentiment." You will have it on your conscience if you do not take advantage of this disposition and retrieve the damaged reputation of the Academy.

You are entirely correct in saying that I have not required the midshipmen to give me personal pledges for the maintenance of discipline. You have seen that personal pledges have no lasting effect. Discipline consists in doing one's duty regardless of self and solely because it is a duty. This applies to all times and in all places, whether in the presence of a watchful superior or unseen by others. Personal considerations do not enter into it.

You are at the Academy to be trained in your duties and to fit you for duty afloat, and not to instruct your superiors in the manner in which you prefer to be trained.

I have been assiduous for the past two months in teaching the cadet officers their duty, and if they had been obedient to my orders, as they were in honor bound to be, we should not now be striving to remove the stain from the fair name of the Academy.

Your suggestion that clemency should be shown to those who are liable to be punished for their participation in a general fault is forbidden by act of Congress to be considered by

the superintendent, who is required by that act to bring to trial by court-martial all whom he may know to have been guilty of the offense commonly known as hazing.

Respectfully,

JAMES H. SANDS,
Rear-Admiral, U. S. Navy, Superintendent.

Midshipman R. C. GRADY,
United States Naval Academy.

The CHAIRMAN. What is the name of the commandant of cadets?

Admiral SANDS. The commandant of midshipmen is Capt. G. P. Colvocoresses.

Mr. GREGG. What is his title?

Admiral SANDS. Commandant of midshipmen. He is Captain Colvocoresses, commandant of midshipmen.

The CHAIRMAN. When did he come to the Academy?

Admiral SANDS. He came to the Academy, I think, two weeks before I did; I think about the middle of June. I had him come here so as to gather up the routine before I arrived.

The CHAIRMAN. His term then practically commenced at the same time with yours?

Admiral SANDS. Yes, sir. He had nothing to do but to look around him at that time.

The CHAIRMAN. The commandant of midshipmen who was here under your predecessor left about the same time?

Admiral SANDS. He left about the 1st of June.

The CHAIRMAN. So that both yourself and the new commandant of midshipmen came together, and the duties were entirely new to each of you?

Admiral SANDS. They were entirely new, and there were no officers here to carry it on. All the officers, or very nearly every officer and petty officer, were afloat with the practice squadron, and it left nobody here to conduct the duty—that is, only about half a dozen men.

The CHAIRMAN. Which one, if any, of these disciplinary officers now on duty—the four—were here with your predecessor?

Admiral SANDS. There were two here with my predecessor, but one of them was afloat with him and the other was on shore with me. Lieutenant-Commander Durell, the one who is the head of this board of investigation, remained here during the summer with me.

Mr. DAWSON. Give us the name of the other, please.

Admiral SANDS. Lieutenant-Commander Decker was afloat as executive officer of the vessel during the summer, and did not get back until the 1st of September.

The CHAIRMAN. Two of these disciplinary officers here now were here under Admiral Brownson?

Admiral SANDS. Yes; and one was here for a few weeks under him. That is Lieutenant-Commander Wiley, who had command of the tug which communicated with the squadron at stated periods.

The CHAIRMAN. Did any of these officers ever give you any information as to the existence of the agreement on hazing with Admiral Brownson?

Admiral SANDS. No, sir.

The CHAIRMAN. Should they not have done that, in view of the importance of the subject?

Admiral SANDS. If they had known of it.

The CHAIRMAN. You have no means of knowing whether these officers knew of the existence of such an agreement?

Admiral SANDS. No. The commandant of midshipmen told me—I do not know at what time, but I think it was before the return of the midshipmen from the cruise; that is, not before the return of the midshipmen from the cruise, but before the beginning of the academic year—that he understood there was such an agreement.

Mr. DAWSON. Your commandant, Captain Colvocoresses?

Admiral SANDS. Captain Colvocoresses; yes, sir.

Mr. DAWSON. He understood there was such an agreement with your predecessor?

Admiral SANDS. Yes, sir; and I looked on the records to see if there was any written agreement, and I found there was none. I told him then that I recognized no pledges whatever, or agreements, between midshipmen and superintendent, on matters of duty; that the laws were plain, and were to be carried out without promises from each one. I applied the principle to all offenses, that they were sworn to obey the laws and the orders of their superiors, and that it was not necessary for the superintendent to compel them to swear in detail as to what offenses they would avoid, and what they were permitted to commit.

The CHAIRMAN. If these classes would voluntarily meet and pass a resolution to the effect that they would not only not haze themselves, but set their faces and their influence against hazing, would it not be a desirable action?

Admiral SANDS. No, sir; I would not permit it. It would be against discipline.

The CHAIRMAN. Would it not assist us very much if the cadets showed that disposition? Would it not assist us in obtaining legislation of the kind that is thought best?

Admiral SANDS. No, sir; not that is thought best, because it would break down discipline. It would be the same on board ship. When there is discipline on board ship, the captain does not call up the officers and men and ask them to agree to obey the regulations. The regulations and laws are positive, and all must be governed by them. The captain issues orders, and they must be obeyed, or the persons disobeying must suffer. As at present constituted, the Naval Academy is in discipline, and I ask my pledges of anybody, and I take no promises. They are told what the laws are, and they must obey them. They must not say what laws they will obey, and what laws they will not obey. They are given orders, and they must obey them. If they do not, they will be punished. That is only discipline. If you allow men to vote as to what laws they will obey and what laws they will not obey, there will be anarchy. They are controlling the situation, and not the officers. They are here to be instructed in their future duties, and if they are to decide in what way they will be instructed there is no use in having a Naval Academy, because there is nobody of experience who will be permitted to train them. They are under training here, and are being taught their profession, and they have no voice as to what they shall be taught. They must obey orders as they receive them, and as they are sworn to do.

The CHAIRMAN. I would like to ask you if you know that at the time of the West Point investigation, five years ago, which dis-

closed a very much worse state of affairs than is existing here, because of their having run a great deal longer, the classes there did voluntarily, of their own free will and volition, meet and make a statement of that kind, that they should hereafter not only themselves obey strictly the law against hazing, but would endeavor to discountenance it in every way with their influence? And do you know that their action at that time, their voluntary action, had a very favorable effect upon public opinion in the country, and in Congress?

Admiral SANDS. I think it had an effect, but it is contrary to discipline. You can not maintain discipline by bargain.

Mr. LOUD. There is a difference between bargain and declaration.

Admiral SANDS. I think you misunderstand the situation here. There is no hazing at the Naval Academy. There can be no hazing at the Naval Academy unless the cadet officers and petty officers neglect their duty. The point comes at once: If there is hazing, the people who are right in contact with it are the ones who are to suffer. The cadet officers and petty officers will be immediately reported for dismissal. No law can be stronger than that fear of dismissal. They will be dismissed for that neglect of duty, and why they should be required to pledge themselves against hazing more than against drunkenness, gambling, or any other offense, I can not see.

The CHAIRMAN. The number of disciplinary officers at your disposal was such that during several months, when a great amount of hazing was going on, and when men were sent under the table in the dining room, and were standing on their heads in the aisles between the tables, you were unable to discover it until a catastrophe happened which brought it to the surface.

Admiral SANDS. Yes.

The CHAIRMAN. If the number of officers is not increased, three months from now why may it not happen again?

Admiral SANDS. By putting cadet officers and petty officers on duty day and night, and making them responsible for any infraction of the regulations. If they allow any infraction of the regulations, they are the first to suffer.

The CHAIRMAN. Were they not responsible for infractions of the rules and regulations before?

Admiral SANDS. They claimed that they were not on duty unless they had their swords on. That is how they shielded themselves from responsibility.

The CHAIRMAN. But from your standpoint, I understand it makes little difference what they claim. Was it their duty, as you understand it, to report those things?

Admiral SANDS. It was. Let me give all these people credit for honesty of purpose when they state that they never had an explanation of their duties made, such as I insist upon, and that they did not understand the thing as I put it before them. If they had understood it we would have been better off and would have had better discipline in the Academy. They never understood that they were to be held responsible day and night for order in the brigade, but that only those who had their swords on and who were temporarily on duty were responsible. They, themselves, violated the regulations, without question.

The CHAIRMAN. Were you given to understand by the midshipmen that they would accept your understanding of the orders and regulations, and endeavor to carry them out?

Admiral SANDS. There is no promise. I would like that understood. They are under no promise to me whatever. I ask each midshipman: "Do you intend to obey my order or do you not?" That is all. They have concluded to obey my order. If they do not obey my order and are reported, then, as cadet officers, among themselves, they are quite as liable as the officers of the institution, and would be treated by me in exactly the same way.

Mr. DAWSON. Would it be in any way inimical to discipline to have the benefit of the moral support of the boys, without regard to any promise? In other words, if you could——

Admiral SANDS. You ask me if it would be?

Mr. DAWSON. Would it be inimical to discipline, or would it not be beneficial to discipline, to have not only the spirit of obedience among the boys, but also the moral force of a voluntary declaration of the boys?

Admiral SANDS. Not a declaration. If you speak of voluntary action, I have got it. I have got all the discipline I want here.

Mr. LOUD. But no agreement?

Admiral SANDS. No agreement. I have no agreement whatever with them.

The CHAIRMAN. I do not think I have made clear to you the effect which I think might come, if they felt that way.

Admiral SANDS. To declare it?

The CHAIRMAN. To declare it.

Admiral SANDS. It would not make the slightest difference with me, from my standpoint.

The CHAIRMAN. I am not figuring upon the effect it would have upon you.

Admiral SANDS. I am the personification of discipline, you know.

The CHAIRMAN. You are satisfied, as the head of this institution, that these young men who are under your charge are going to carry out your orders?

Admiral SANDS. Yes, sir.

The CHAIRMAN. You are satisfied of that?

Admiral SANDS. I am positive of it.

The CHAIRMAN. As I understand the situation, this investigating committee, as far as it can, has disclosed the fact that there are 150, 200, 250, 300, 400, no one knows how many cadets, who, under the existing act of Congress, would be turned out of this Academy; that practically the whole school is involved.

Admiral SANDS. Yes, if it can be proved.

The CHAIRMAN. If it can be proved—in a greater or less degree.

Admiral SANDS. Yes.

The CHAIRMAN. Now, under the law as it stands to-day, I do not see why it is not the duty of the superintendent to bring these students to court-martial. I do not see how the superintendent of this Academy can escape from carrying out the law, namely, that every case of hazing, without regard to its degree, wherever it comes under the definition of the law, shall be brought before a court-martial, and if it can be proved, the cadet shall be dismissed from the Academy, even if it takes the last cadet here.

Admiral SANDS. Yes.

The CHAIRMAN. I think a good many members of Congress consider that that law, as it stands to-day, is not the best kind of law we could have. In other words, that while they fully agree with the law so far as it applies to brutal and cruel hazing, they recognize that there could be slight infractions which might come under the head of hazing that would not warrant a dismissal, but would warrant a lesser degree of punishment. I think I may say that we hope, as one of the results of this investigation, that we can amend the law so that while cases of brutal hazing shall mean the dismissal of a cadet minor degrees of hazing shall be punished like minor offenses of another description.

Admiral SANDS. Yes; I think we are all of one mind on that.

The CHAIRMAN. If we go back to Congress and insist that a law of that kind be put in, members of Congress will say, "Why, as soon as this investigation is over, how do we know these cadets are in a frame of mind where they will not at least attempt hazing?" That is, if the letter and spirit of the present law is amended, are they willing to assist and meet the sentiment of the country, the sentiment of Congress, and the sentiment of the superintendent of this institution, in regard to hazing? My opinion has been that if Congress could know the views of this student body, and whether they have not only acquiesced in the new regulations about it which you will promulgate, and the new orders which you have given, but whether they acquiesce in the spirit of it, whether they are willing to acknowledge that they ought to stop it as well as to acknowledge that they must stop it under the rules. I think it would have quite an effect on the opinion of Congress.

Admiral SANDS. But you can not find that out from the officers. You must get that right from the midshipmen.

The CHAIRMAN. That is what I am talking about.

Admiral SANDS. I can not give you any information on that subject. The midshipmen are the only ones who can interpret their own minds.

Mr. GREGG. Admiral, I want to get the daily machinery of discipline. I do not know whether you understand——

Admiral SANDS. I understand. Have you not got it in this book? The daily routine, I think, ought to be in the back part.

The CHAIRMAN. "Arise at 6 o'clock," etc.

Admiral SANDS. Yes. I could not tell you about that.

Mr. GREGG. Do you have reveille in the morning?

Admiral SANDS. Yes, sir.

The CHAIRMAN. Look at page 64 and see if that is what you want.

Mr. GREGG. This gives the daily programme.

Admiral SANDS. Yes; right through for every hour of the day.

Mr. GREGG. After reveille the midshipmen return to their rooms, do they?

Admiral SANDS. They have their breakfast formation immediately after that. I can not tell you without looking at that.

Mr. DAWSON. Had you not better ask the commandant of cadets?

Admiral SANDS. Yes; he can give that. I am not concerned with it.

Mr. GREGG. There are officers—and when I use the word officers I mean the naval officers——

Admiral SANDS. Commissioned officers; yes.

Mr. GREGG. When I speak of cadet officers I will use the word "cadet."

Admiral SANDS. Pardon me. The law now calls them midshipmen. The only reason we use the term "cadet" is by calling them cadet officers and petty officers, to distinguish them from commissioned officers.

Mr. GREGG. Speaking of the machinery, you do have cadet officers in your machinery here?

Admiral SANDS. Yes.

Mr. GREGG. You have an officer of the day?

Admiral SANDS. Yes; two officers of the day, one for each wing, I think.

Mr. GREGG. Each wing of Bancroft Hall?

Admiral SANDS. Yes.

Mr. GREGG. The duties of that officer of the day are to maintain discipline?

Admiral SANDS. Yes.

Mr. GREGG. Do you have a cadet officer of the day?

Admiral SANDS. He is the one. He is the officer of the day. We have an officer in charge, who is a commissioned officer, over the whole building, and the officers of the day are midshipmen.

Mr. GREGG. You have an officer in charge who is a commissioned officer?

Admiral SANDS. Yes.

Mr. GREGG. And he serves from 9 o'clock of one day until 9 o'clock of the next day?

Admiral SANDS. Yes.

Mr. GREGG. Then, of course, he is over the officer of the day?

Admiral SANDS. Oh, yes, he is over the officer of the day, who is a midshipman.

Mr. GREGG. The duty of both of those officers is to maintain discipline?

Admiral SANDS. Yes, assisted by the cadet officers in charge of floors.

Mr. GREGG. That is what I wanted to know.

Admiral SANDS. There are midshipmen in charge of floors.

Mr. GREGG. You have a cadet officer in charge of each floor?

Admiral SANDS. He may not be a cadet officer, but he is a midshipman at all events.

Mr. GREGG. You have a midshipman in charge of each floor?

Admiral SANDS. Yes.

Mr. GREGG. Each wing of the floor, or one for the entire floor?

Admiral SANDS. There is a midshipman in each wing of each floor, I think.

Mr. GREGG. Is he recognized by the midshipmen as being on duty during that time?

Admiral SANDS. Always, yes—regularly detailed.

Mr. GREGG. It is his duty to make reports of any misconduct?

Admiral SANDS. It is.

Mr. GREGG. Hazing or anything else.

Admiral SANDS. Yes, anything.

Mr. GREGG. Since you came in and took charge, and up to the time this hazing was developed, have any of them or the officer in charge made any reports about hazing or evidences of hazing?

Admiral SANDS. None whatever; because as soon as the hazing was found out it stopped. The very first case reported stopped the hazing.

Mr. GREGG. But you got reports? That is what I am getting at.

Admiral SANDS. None whatever.

Mr. GREGG. You are relying now upon cadet officers?

Admiral SANDS. Yes; who are midshipmen.

Mr. GREGG. If they have not been reporting these things heretofore, what assurance have you that you can rely upon them in the future, that they will do it?

Admiral SANDS. Because I think their duties have been explained to them more fully and minutely than ever before, and the consequences of disobedience are very much more severe.

Mr. GREGG. At the first of the year was any special instruction given to the officers who would be officers in charge, or who were officers in charge——

Admiral SANDS. Yes.

Mr. GREGG. Or the officers of the day, relative to hazing, specifically?

Admiral SANDS. The cadet officers were given instructions. I do not know whether any were given to the officers of the day or not. That is a matter of detail that did not come to me. I did not specify the officers of the day. All that would be attended to by the commandant of midshipmen; but I did direct that all the cadet officers and petty officers should be instructed that they were on duty day and night, at all times, whether they had their swords on or did not have their swords on.

Mr. GREGG. Did you make that order prior to the discovery of hazing?

Admiral SANDS. Yes; as soon as the brigade was organized, on the 14th of October.

Mr. DAWSON. Was this a printed order?

Admiral SANDS. No; it was a verbal instruction, transmitted from the commandant through the officers in charge of divisions to cadet officers and petty officers, and stopped at that; because I do not give any orders to midshipmen at all, myself. It was an instruction as to what my policy was and that it must be carried out. They struggled with it for two months before they could understand it. They did their best to swallow it, but it was too large a dose for them.

Mr. GREGG. Now, about the mess hall. Did the officer in charge remain at the mess hall during meal hours?

Admiral SANDS. Yes; that is his duty.

Mr. GREGG. There was an officer in charge at each table. In addition to the officer in charge you had two cadets officers?

Admiral SANDS. One at each end—a cadet officer or a petty officer.

Mr. GREGG. A cadet officer or a petty officer?

Admiral SANDS. Yes.

Mr. GREGG. Their duty was to maintain discipline?

Admiral SANDS. Yes; that always has been in the regulations.

Mr. PADGETT. Explain, if you please, the difference between a cadet officer and a petty officer, that it may appear in the record.

Admiral SANDS. The cadet officer corresponds to what would be in the Army the captain, first lieutenant, and second lieutenant of a

company. The cadet petty officer corresponds to the army sergeant and corporal.

Mr. GREGG. Noncommissioned?

Admiral SANDS. Noncommissioned; yes, sir.

Mr. PADGETT. I simply wanted to get it in the record that it would be clear.

Mr. GREGG. Of all these matters disclosed by this investigation as having occurred in the mess hall, none of them was ever reported either to you or to the commandant prior to this investigation?

Admiral SANDS. None whatever. Some of them were taken part in by the cadet officers themselves and petty officers.

Mr. GREGG. But no report was ever made by the cadet officers or petty officers or by the officer in charge?

Admiral SANDS. None.

Mr. GREGG. Of any of those things occurring in the mess hall?

Admiral SANDS. None whatever. I may say that I would not credit it because I did not conceive that midshipmen would be so ungentlemenly as to either order those things or to submit to them.

Mr. GREGG. In that connection, you have now testified that the cadet officers and the petty officers have not only failed to preserve order in the mess hall but have participated in that disorder in the mess hall.

Admiral SANDS. Yes, sir.

Mr. GREGG. Is there any penalty for that conduct on their part?

Admiral SANDS. You mean in the future?

Mr. GREGG. No. Is there fixed in the regulations a penalty for that?

Admiral SANDS. There is nothing in the regulations which makes it a greater penalty for a cadet officer or a petty officer to commit the offense than for a midshipman to commit it.

Mr. GREGG. Is there anything in the regulations that prescribes a penalty for failure of that officer to do his duty in that respect?

Admiral SANDS. There is; yes.

Mr. GREGG. It has been discovered that a lot of them have failed to do their duty?

Admiral SANDS. Yes.

Mr. GREGG. Has anything been done to any of them about that? Has any punishment been inflicted upon any of them?

Admiral SANDS. I have deprived some of them of their cadet rank and reduced them to the ranks; and I have recommended others for immediate dismissal.

Mr. GREGG. Of those officers?

Admiral SANDS. Yes.

Mr. GREGG. I believe in answer to Mr. Vreeland, when he questioned you as to the act of 1903, requiring the superintendent to adopt regulations to effectually prevent hazing, you said that when you came here you found of record no regulations adopted subsequent to that law.

Admiral SANDS. I found nothing of record; no. I may say right there, as part of my answer, that I immediately ordered a board to revise the regulations, to include all of the requirements of that law. That was in addition to all their other duties, which has made it impossible for them to complete them until now.

Mr. GREGG. You did that when you came in?

Admiral SANDS. I did, at once.

Mr. GREGG. But you found nothing of record when you came?

Admiral SANDS. I found nothing of record.

Mr. GREGG. You say you have four officers in charge, I believe, assistant to the commandant?

Admiral SANDS. Yes, sir.

Mr. GREGG. In your opinion, is that a sufficient number?

Admiral SANDS. It is not.

Mr. GREGG. To secure good discipline in the Naval Academy?

Admiral SANDS. It is not.

Mr. GREGG. In your opinion, how many are necessary for that purpose?

Admiral SANDS. At least six; preferably eight.

Mr. GREGG. Admiral, are there any rules or regulations relative to one cadet visiting the room of another cadet?

Admiral SANDS. Yes, sir.

Mr. GREGG. During what hours is that prohibited?

Admiral SANDS. During study hours.

Mr. GREGG. What are the study hours?

Admiral SANDS. I will have to look that up.

Mr. GREGG. Never mind about that.

The CHAIRMAN. That is all in the regulations.

Mr. GREGG. I was simply trying to get ahead a little more quickly than we could by reading the regulations. During those study hours, to prevent that visiting, you have an officer in charge, of course, and he covers the entire building?

Admiral SANDS. Will you let me amend that answer?

The CHAIRMAN. Certainly.

Admiral SANDS. The first class men heretofore have been permitted to visit the rooms.

Mr. GREGG. At all times?

Admiral SANDS. At all times.

The CHAIRMAN. Allowed to visit all the rooms?

Admiral SANDS. To visit all the rooms. I presume it is all the rooms, because the permission to visit carries that with it, I think.

Mr. GREGG. During the hours when they are prohibited from visiting, is there any guard in either of the halls or the wings—I mean either of the corridors in Bancroft Hall? Are any guards kept?

Admiral SANDS. The superintendents of floors and their assistants, who are midshipmen.

Mr. GREGG. But there is nothing in the nature of what we would call regular guards?

Admiral SANDS. No, sir.

Mr. GREGG. Whose duty is it to report violations?

Admiral SANDS. Only of the midshipmen themselves. We have not any money to patrol the building.

Mr. GREGG. Can you effectually prevent that visiting through the means you have now at your command?

Admiral SANDS. I think so. The only persons now authorized by me to visit are the cadet officers of the brigade.

Mr. GREGG. But I mean, have you a sufficient force there to rigidly enforce that rule against visiting?

Admiral SANDS. I do not think it is possible to enforce the rules unless we have the cooperation of the midshipmen themselves in authority. If I attempted to do anything of that kind I should have

to have regular sentinels and have the place conducted as a prison would be conducted. I can not educate naval officers with prison ideas. They must be educated as naval officers. While they are green at the work you make proper allowance for them, and punish them when they are caught. When they become more mature and get to the upper class and become officers of the brigade, they are supposed to have a sense of duty which makes them quite as eager to keep regulations as the officers themselves. The supposition is that when they come to the upper classes they should be as trustworthy as the officers themselves.

Mr. GREGG. It has developed, as far as I have read in these hearings, that most of the hazing has been done just between the supper hour and the study hour, and in some instances after the supper hour, when they are not permitted to visit——

Admiral SANDS. No; they were permitted to visit at that time. As I understand the testimony, they said they knew they were obliged to stop because the call for study sounded.

Mr. GREGG. Some of them fixed the hour by that, I believe; 7.25 is the first study call, I believe, and 7.30 is the last call; and the study hour continued until 9.30, when they were released in the evening, I believe that is all.

Mr. PADGETT. I want to ask you one question, please. If I understand you, you attribute the failure of the cadet officers and the petty officers to maintain discipline to their inability to distinguish between their obligations of friendship to their schoolmates and their duty as officers, allowing their personal friendships in many instances to overcome their sense of duty as cadet and petty officers?

Admiral SANDS. Yes.

Mr. PADGETT. And you think you have now so impressed upon them the paramountcy of their official duty that they will no longer suffer that to continue?

Admiral SANDS. As a rule.

Mr. PADGETT. I understand; I am speaking generally.

Admiral SANDS. They must be educated to that. They understand it now, but I expect there will be lapses and will make all due allowance for their inexperience.

Mr. PADGETT. But you have more thoroughly impressed upon them, since you have come in here, the importance of making their official duty supreme over their personal relations and affections with their friends and classmates?

Admiral SANDS. Yes; and I think they accept it.

The CHAIRMAN. Now, Admiral, I understand that you have given a good deal of attention to the new regulations which, I understand, would comply with the intent of this act of March, 1903?

Admiral SANDS. Yes, sir.

The CHAIRMAN. Namely——

Admiral SANDS. So much so that I have embodied all of the West Point regulations on the specific subject of hazing, against my better judgment, as I do not care to make any one offense paramount. All offenses are exactly the same to me, as violations of the regulations; and the orders which I issued when I came here were intended to cover every offense without specifying any one of them. I consider the question of hazing simply as one among many offenses. But notwithstanding my own opinion as to what I may call the impropriety

of specifying any one offense, in these new regulations I have laid stress upon the offense of hazing and have put in the exact terms of the West Point prohibition, which seems to cover every point in the case.

Mr. GREGG. Right along that line, before you proceed further, I would like to ask this while it is on my mind. Your idea was that that no specific offense should be singled out?

Admiral SANDS. Yes.

Mr. GREGG. That all should be put on an equal footing?

Admiral SANDS. Yes.

Mr. GREGG. That is that the regulations should prohibit all equally?

Admiral SANDS. Yes.

Mr. GREGG. And that they should not give any special prominence to any one in particular?

Admiral SANDS. Yes.

Mr. GREGG. It has occurred to me that possibly Congress made a mistake. I do not like to criticise that body, but possibly they made a mistake in legislation in singling out the offense of hazing and prescribing particular punishment for it. Would it be possible, now, in your opinion, if all those laws were repealed, to control this hazing question under your general demerit system and dismissal system without any special law on it?

Admiral SANDS. The difficulty, as I understand, at that time, was that the Secretary of the Navy was so besieged by the friends of the culprit that he found it difficult to carry out what he considered the best interests of the service, by dismissal. Therefore he would be apt, dependent upon his nature, to yield to the doubt whether it was best for the service or not.

Mr. GREGG. It was just to protect the Secretary of the Navy, as you understand?

Admiral SANDS. That he could not carry it out, because it was a question whether the Navy would be most benefited by dismissal or pardon in this case and the substitution of another punishment. After all, the degree of punishment is a matter of opinion. The Superintendent, who is on the spot, might have an idea that prompt dismissal would produce discipline much more quickly than a slow punishment, but the Secretary of the Navy might not agree with him; or, if he did, there are 20 or 30 more people who might disagree with the Secretary of the Navy and be able to persuade him of that fact. It is my impression that the reason the law was made was because they wanted some final and positive action that no one could appeal from. That is the way I see it from reading the act.

Mr. GREGG. It seems to be the consensus of opinion that the punishment for this offense should be graded like any other offense.

Admiral SANDS. I think so.

Mr. GREGG. In grading it, ought the Congress, in your opinion—and I am simply asking for your judgment, as I want to get the benefit of it—to undertake to define the different grades and prescribe the penalty, or can the Superintendent manage that under the demerit system?

Admiral SANDS. I consider that the Superintendent should be the one to decide what degree of punishment should be inflicted, always subject to the approval of the Secretary of the Navy.

Mr. GREGG. In other words, you might give 10 demerits for one species of hazing and 25 demerits for another; and if a boy kept it up he would finally dismiss himself from the institution?

Admiral SANDS. I have graded punishments for what you consider simple offenses. For instance, only one class of midshipmen is allowed to smoke. If a member of another class smokes, his first offense is 25 demerits. If he smokes again it is a persistent violation of regulations, and I double the punishment on him—50 demerits for the second offense. Of course, by punishing in that way some midshipmen who have been perfectly willing to take the punishment of 25 demerits for each offense have found themselves outside of the walls of the academy in the course of two or three months, because it is what we call a persistent violation of regulations. That is, not being willing to obey the regulations, they persistently violated them. It is not a matter of chance at all, but being caught a certain number of times, and probably having been guilty hundreds of times, he goes outside of the academy as one who is not amenable to discipline.

Mr. DAWSON. I have a question or two I would like to ask. Do I understand, Admiral, that in arranging the rules of discipline you have treated hazing the same as any other infraction of the rules?

Admiral SANDS. Not as far as the law is concerned. I have abided by the law. The law requires me, upon proof of hazing, to bring the case before a court-martial. That is, if I am satisfied in my own mind that hazing has been committed, it is brought before a court-martial. I have no option about that whatever. The punishment that is awarded by Congress for hazing is dismissal; so I have no choice—none whatever. I can not even exercise clemency in the matter at all. The law compels me to approve a recommendation for dismissal of one who is found guilty by a court of hazing, and that my action of approval shall be final. If it is final, there is absolutely no clemency to be shown by me, and can not be. My approval is final, and the punishment is dismissal. The court-martial is tied down to a recommendation, if guilt is proved.

Mr. DAWSON. What steps have been taken to bring to the attention of these midshipmen the manner in which hazing is regarded by the law of the country?

Admiral SANDS. That I do not know. I can not tell.

The CHAIRMAN. In the last two months and a half, I think, it has been fairly brought to their attention.

Admiral SANDS. It has been brought to their attention that any act which tended to humiliate a midshipman of the fourth class was hazing, no matter of what character it was—anything that tended to humiliate him or to deprive him of any of his legal rights.

The CHAIRMAN. I think I know the idea Mr. Dawson wants to bring out. Of course, during the last two months they have had hazing for breakfast, dinner, and supper. An investigating committee has examined hundreds of them and called their attention to the law specifically.

Admiral SANDS. And has explained to them exactly what was considered hazing.

The CHAIRMAN. And in the future, when this has all passed away, and when new classes that have not heard much about it come in, will your regulations, in conformity with the law as it now stands, endeavor in some special way to bring to the attention of the new

boys coming in the fact that hazing is specifically named by the law as a cause for dismissal?

Admiral SANDS. The new regulations have in them at present all the laws bearing on the subject. I have put in one page of definitions, taken bodily from the West Point regulations, and there will be also the definitions given in the dictionaries, so that there can be nothing left to the imagination in the matter.

The CHAIRMAN. The reason these new rules that you have made, a part of which are on account of this act of Congress of 1903, have not been promulgated is because of the fact that legislation is pending in Congress which may require a change?

Admiral SANDS. That is all that I am waiting for now—for the publication of the regulations. I am waiting because I do not want any false information to go into the regulations. As you will notice, these books are filled up with slips, and it is confusing for me, and it must be altogether confusing to a stranger, to know what the regulations are. The midshipmen know them because they are familiar with the old regulations, and they know every slip that goes in and know the change.

Mr. DAWSON. The point I wanted to bring out was whether special attention had been directed to this subject in these regulations which you found when you came here—that is, whether the incoming class in June last had been especially impressed with the law relating to hazing?

Admiral SANDS. It is not in the regulations.

Mr. DAWSON. Are you familiar—I suppose you are—with the traditions of the Naval Academy?

Admiral SANDS. I am familiar with what you have seen in the public print only. I know nothing of these modern traditions at all. They call them modern tradations, because in my day—some forty years ago—we had nothing of this kind whatever.

Mr. DAWSON. When you were here forty years ago, was there such a thing as rating?

Admiral SANDS. No; we all had the greatest respect for the first class.

The CHAIRMAN. That was in 1865?

Admiral SANDS. No; I came here in 1859.

The CHAIRMAN. When was the academy established?

Admiral SANDS. In 1850, I think. I will tell you a personal experience. I was a boy of 14 when I came here—a fair object for hazing. I was met on the parade a few days after I arrived by a member of the first class, who asked me my name and asked me if there was anything he could do for me. I told him there was nothing that I knew of, and he asked me to go along with him. I went, as a matter of course. He took me to a room where there were eight or ten of his classmates. They sat around talking. They looked at him in surprise for bringing me to that room. He said, “I am responsible for him.” Then they went on with their talking, without paying the slightest attention to me at all. I stayed ten or fifteen minutes. Then he turned around and said, “Youngster, I guess this is not very entertaining to you.” He said, “Let us leave.” Then he said, “You have seen this boy; I am responsible for him.” He said, “If you want anything in the academy you have every right to ask any one of these people, or you may prefer to come to me. My name is

so-and-so," giving me his name. I never went to him, as a matter of course, because I did not need any assistance, but it showed the good will. There was no reason in the world why I should be anything to them. They were of superior rank and of superior age. They were, I suppose, 6 years older than I.

Mr. DAWSON. Who is the oldest naval officer in the academy in point of service here?

Admiral SANDS. I am the oldest in point of service.

Mr. DAWSON. I mean in point of service in the academy.

Admiral SANDS. Prof. W. W. Hendrickson, head of the department of mathematics, my classmate.

Mr. DAWSON. How long has he been here?

Admiral SANDS. Nineteen years, I think he told me. Maybe he has been here longer; I have forgotten. It is a matter of some nineteen to twenty-five years.

Mr. PADGETT. Would it not be very fortunate for the academy if you could get restored among all the upper classes that same spirit that you just described?

Admiral SANDS. That is what I am working for.

Mr. PADGETT. That is what we are working for and trying to do.

Admiral SANDS. You may get it by going to these people and letting them know that the change of tone in the academy is not a credit to it, and does not please the people at large—that they would like to see gentlemen here instead of bullies.

Mr. GREGG. As I understand, the conduct of the upper classmen at that time was such as to command your respect and love instead of awe?

Admiral SANDS. I do not know that it was love. They were above love of a young fellow like me.

Mr. GREGG. Affection, then. That is, they inspired affection.

Admiral SANDS. Evidently, because I recollect that man. I thought of him at once, as having treated me in that manner, which I thought was an unnecessary show of favor to a youngster.

The CHAIRMAN. Once in awhile I run across a naval officer who has graduated here in recent years, who has maintained that the system of hazing and rating has its uses in the development of the midshipmen here. Their argument is that boys come in who have been perhaps pampered at home, who have never been subjected to much discipline, and who were perhaps members of families distinguished along some line, boys who have become imbued with the notion that they are objects of special consideration, and expect to receive special consideration among their classmates here. Their view is that the system of hazing carried out, not in the extreme way—the system of rating—tends to impress upon these young men that their standing depends entirely upon themselves and not upon their relations, or fortune, or condition; that by means of it they are enabled to knock off the corners and to fit them into the hole where they are assigned. I would like to ask your opinion as to that line of argument, whether anything of that kind is valuable, and whether in your new regulations any rating will be countenanced or recognized?

Admiral SANDS. I do not think that line of argument is at all sound. In the first place, every assumption of authority to correct the faults of others is illegal and not to be countenanced. If these faults require correction, there should be some legal way of doing it.

The cadet officers and petty officers of the brigade are empowered to correct all errors of bearing, errors of conduct in their commands. It is their business to do it, as a military thing.

The CHAIRMAN. How?

Admiral SANDS. By ordering these people to correct them. If a man is not holding himself properly, he is ordered to do so. Every man is held responsible for the character of his company. The officer in command of a company, the cadet officer, is the one to present the company in proper shape. He has a perfect right to give members of his own class, and members of the junior classes, any order which will tend to put them in proper military shape.

Mr. DAWSON. He can only give them when he is on duty, however?

Admiral SANDS. He is on duty at all times, day and night. In my regulations he is empowered to visit the rooms of the people under his command at all times, and if there is any disorder he is empowered to order the midshipmen to their rooms, and then he reports to the officer in charge what he has done. If he has exercised his authority unduly, he is punished for it. He has got to use proper judgment, and he must use that authority only in a legitimate way. But he is not empowered as a first classman to give any order whatever to any other classmen in the academy, but only as a cadet petty officer. The brigade organization is the one that controls this institution, and class organization has no recognition whatever. That is the point. If there is any line of training that is necessary for the midshipmen it is laid down in the regulations. We have regulations for infantry drills, regulations for the other drills, regulations for conduct, regulations for everything, and the midshipmen have no authority as such, but every man is responsible for his own company. Every officer and petty officer under him is responsible to him and all must assist him. All of these things that are supposed to be the result of hazing—all the good points—can be brought out in a legitimate manner. I have assumed responsibility for all those things in the future, because the people under me are ordered to do that as a matter of discipline. They have no authority as classmen, but they have authority as officers of the brigade. Therefore there is no necessity whatever for hazing.

The CHAIRMAN. Your own idea is, then, that the enforcement of the regulations of the academy will be sufficient as the years go by to discipline any boy and make him understand his duties and his relations to his fellows?

Admiral SANDS. Certainly. There is no personal relation whatever; there is only the official relation. If he does his duty according to the law, nobody can find fault with him. If his personality is very objectionable, naturally there is no necessity for associating with him. It rests with the individual, just exactly as it does with all of us.

Mr. GREGG. Is it not fact, admiral, that any assumption of authority has at least a tendency to make the one who assumes it tyrannical after he gets out in after life and gets authority?

Admiral SANDS. You mean the illegal assumption of authority?

Mr. GREGG. Yes.

Admiral SANDS. We have to assume authority frequently.

Mr. GREGG. I mean authority that is not conferred upon him as a matter of fact, but illegally assumed authority.

Admiral SANDS. I think when you give it its proper definition it is bullying. I think a man who assumes illegal authority must depend upon some superior force to carry out that idea, and that must be simply a force that can not be resisted by the other man without serious injury to himself.

Mr. GREGG. And to the other man too.

Admiral SANDS. Yes. It becomes bullying, which is cowardly, and a thing which ought never to be encouraged, and I do not think they will ever abandon it in future life if they get it in their youth.

The CHAIRMAN. Do you think there is anything included in the system of rates which has prevailed here that might properly be recognized officially, or any privileges that the first class claim that might perhaps be recognized by the authorities and therefore be made legal?

Admiral SANDS. I am endeavoring now to legalize some of those rates by treating cadet officers as commissioned officers as far as the routine of the academy will permit. I am going along gradually, intending to expand them later, allowing them freedom, as men of experience, from some of the restraints which are enforced upon the lower classes. For instance, there are times when a man who is on first-class conduct grade, and is a cadet officer, has authority to make visits to town without asking prior permission. That fact of being on the first-class conduct grade, and being a cadet officer, gives him that distinction, and the other people have to ask permission and are subject to being watched. When we find we can trust a man, and he has shown it, he is trusted. I am trying to make officers out of them.

Mr. DAWSON. Manly men?

Admiral SANDS. Manly men, and when they see that, I am sure they will rise to it. They have the best disposition in the world, if they only know, but they have been accustomed to think that the man in authority was their natural enemy and that anything that they could do to deceive him was legitimate.

Mr. DAWSON. May I ask you this: Is there anything in the existing regulations which makes this system of rating here illegal—anything in the regulations as you found them?

Admiral SANDS. I do not find it mentioned. The midshipmen will tell you that there are things that they feel justified in doing that they would not do in the presence of an officer, because they know he would report it—which shows that they knew they were illegal and should not be done.

Mr. DAWSON. Will not the recognition of certain privileges to which they are fairly entitled have the effect of making or emphasizing the illegality of these other rates which the boys have set up themselves?

Admiral SANDS. That is my design.

Mr. DAWSON. That is your purpose?

Admiral SANDS. Yes.

The CHAIRMAN. There is a rate here regarding some walk, which I understand is not wide enough to accommodate all the students, and therefore only the first class has a right to walk upon it.

Admiral SANDS. No; I think the fact of the matter is that only the fourth class has not the right.

The CHAIRMAN. All the other classes have the right?

Admiral SANDS. All the others have the right.

The CHAIRMAN. Would you consider it proper to legalize a rate of that kind?

Admiral SANDS. No, I do not think I would, necessarily. I think that would be rather a small matter, as the fourth class men themselves think there is more humor in it than anything else.

The CHAIRMAN. Would the authorities here object to its continuation if it was not enforced by hazing or by illegal methods?

Admiral SANDS. I do not think it would be enforced by hazing. I think they accept those things as just, many of them. For instance, there is one rate that a fourth class man should not be allowed on the floor of the ballroom in his fourth-class year. I do not remember of ever seeing that in the regulations, but it is in my new regulations that he shall not be allowed on the floor of the ballroom in his fourth-class year. They are not allowed to go to any of the dances in the fourth-class year except by special permission, when some of their relatives are here.

Mr. PADGETT. You make that an official regulation?

Admiral SANDS. Yes; because I do not think it is a good thing for the fourth class men to devote too much time to dancing with the girls. It distracts their attention and takes their minds off their books.

Mr. DAWSON. Do you think there is any connection between this system of rates and the practice of hazing? Is one the cause and the other the effect or the partial effect one of the other—rates being the cause and hazing being the effect?

Admiral SANDS. I do not see how the hazing would come about unless it was for a violation of some of the rates.

Mr. GREGG. Admiral, is the word they sometimes refer to "ratey" or "ratty?"

Admiral SANDS. "Ratey."

Mr. GREGG. That is, a freshman who wants to have some rights himself is "ratey?"

Admiral SANDS. Yes; he is ratey because he does not want to follow the rules laid down by the people that are not in the regulations. His idea is that he has his own rights and he intends to maintain them.

Mr. GREGG. And they dub him "ratey;"

Admiral SANDS. Yes, and they all go for him.

The CHAIRMAN. I understand the fourth class at present voluntarily observe a good many of the rates?

Admiral SANDS. Yes.

The CHAIRMAN. There is no objection on the part of the academy authorities?

Admiral SANDS. I do not see how they can object if they want to do it. I do not see how we can touch them.

The CHAIRMAN. If they want to keep off of a certain walk you can not force them to do otherwise?

Admiral SANDS. We can not force them. Anything they want to do voluntarily that is not against the regulations they may do. All I want them to do is to observe the regulations. If they do that they will have all anyone ought to be required to do.

Mr. GREGG. Do the regulations or rules which you are promulgating contemplate any instructions to the next fourth class when they enter as to their rights and privileges? In other words, are they given any instruction?

Admiral SANDS. No.

Mr. GREGG. As to not submitting to hazing or anything of that kind?

Admiral SANDS. Oh, no there never have been any more than giving them instructions about any other offense. Hazing, in my mind, is no more than any other offense.

Mr. GREGG. I mean are any instructions given to them that they do not have to submit to it?

Admiral SANDS. All these people at present have been ordered not to submit to it. The next class has not been here yet.

Mr. GREGG. I mean do your regulations contemplate that they will be instructed in the same way—the new ones coming in?

Admiral SANDS. No; it has not even been considered as something that would be desirable, because up to the present time the thought has not entered our heads that it would be necessary to tell them that they should not submit to be treated in certain ways. It could very easily be made the subject of instruction at the same time that they take their oaths, but I do not know that it would be wise to have put into their minds, unless it is done in writing as a part of the regulations, the idea that they can judge as to whether an order that they receive is given by legal authority or illegal authority. They have got to be taught that and have got to be broken in in their fourth-class year.

Mr. GREGG. Would it not be well to include in the regulations some instruction of that kind?

Admiral SANDS. If you have an instruction in the regulations, which all the men are obliged to study, which says that these things shall not be permitted and goes into a detailed definition of what constitutes hazing, every man who reads that, the fourth classmen included, knows that it is forbidden, and he knows by that very fact that he is empowered to resist that, because it is illegal, that it is against the regulations, and that he will be protected in his rights. Why you should tell him to resist it I do not know. The regulations are given for everybody to read. Everyone of them has to post himself on the regulations.

Mr. DAWSON. Do you think the average fourth-class man who comes in here for the first time would be familiar with the distinction which, to my mind, arises between hazing and certain other forms of breaking the regulations? That is, does he understand that in hazing he not only breaks the regulations of the Academy, but that he also breaks the law of the land—that he is a lawbreaker?

Admiral SANDS. That is all down in the regulations. Every law on the subject is to be published in the regulations; so that he knows it is a law of Congress and a matter which is particularly before the country, as taking rank above all other offenses at the Naval Academy.

Mr. DAWSON. You called attention to it in the regulations, by printing the law?

Admiral SANDS. Not only by printing the law, but the articles for the government of the Navy, which embrace every crime known to naval men; and he is supposed to read those regulations and make himself conversant with them. Besides, about nine-tenths of our midshipmen are prepared in schools outside, where they have from one to two years' preparation to enter the Naval Academy and where they learn more than we ever dream of of what is done at the Academy

behind the curtains. They know and study, not only the regulations, but how to contravene them.

Mr. DAWSON. That reminds me of one thing that I want to ask right there. Have you any knowledge of whether or not the practice of hazing is engaged in in the preparatory schools, the schools preparatory to the Naval Academy?

Admiral SANDS. I have no knowledge whatever of what goes on there except by common report.

Mr. DAWSON. Is it the common understanding that they haze there, before they come in here?

Admiral SANDS. It is the common understanding that they do everything a young man ought not to do.

The CHAIRMAN. There are no classes there, however?

Admiral SANDS. There are no classes there, no. The young men are taken from all parts of the country, and they are free. There is no supervision over them, and where there are several hundreds of young men in an institution you can expect almost anything.

The CHAIRMAN. The practice of hazing is no more important, I see, in the regulations, than the practice of gouging, lying, and insubordination, and many other offenses; but the practice of hazing just now is the one which seems most prevalent. Would it not therefore be well—but of course you are doing it, and will do it—to give special attention to that violation of the law and of the regulations?

Admiral SANDS. We are doing it to the full extent of our power, but I am assured, and I believe, that there is no hazing whatever at the Academy at the present time.

The CHAIRMAN. We believe that.

Mr. GREGG. But as a matter of prevention?

Admiral SANDS. What has prevented it in the last few weeks ought to prevent it in the future, because the same precautions have been taken on the part of the Superintendent and the same acceptance has been shown on the part of the midshipmen; and where the two parties are in accord I can not see that you could do any better.

Mr. GREGG. I would like to ask you a question along that line. You spoke of the course you pursued with the petty officers—those petty officers have left here, have they not—about impressing on them the importance——

Admiral SANDS. They have left here and gone immediately to sea, as punishment. They have been deprived of their leave and have gone immediately to sea.

Mr. GREGG. Have you had the same course of dealing with the incoming men, those who will be petty officers?

Admiral SANDS. They came in on the 12th of February, and my time has been so taken up since then that I have not spoken to any of them.

Mr. GREGG. But it is your purpose to do so?

Admiral SANDS. My purpose is as soon as I can get at these people to give them my positive orders in person and to ascertain whether they intend to obey them or not. I have the assurance of the president of the class that they are there, and there is no doubt in my mind that they have succeeded to the orders that were given the others.

Mr. GREGG. They understand that they are stepping right into the place under the same conditions?

Admiral SANDS. Absolutely; because they have had from the 10th of the month to the 15th. They have had five days to carry out the orders that were delivered to their predecessors, because they came on active duty while the others were undergoing examination, and they came into actual rank and authority on the 12th of February. Each man had his own appointment, signed by me, for the duties of his office. In that appointment, which he has before him and which he will probably frame, are set forth the duties of his office, and he is required to do those things. My orders are published and printed governing all these things; and his appointment states what his duties are and that he shall exercise authority and that others shall obey him. If any man accepts that without question he is supposed to have accepted all the duties of the office until such time as it is convenient to impress it upon his mind.

Mr. GREGG. Then the instructions that you gave to the others have not been specifically given to them?

Admiral SANDS. Yes; in this appointment. It states it.

Mr. GREGG. I mean by the same method by which you gave it to those who were leaving?

Admiral SANDS. Except by word of mouth. I have not given it by word of mouth, but I have given them exactly the same written instructions that I have given the others.

The CHAIRMAN. I understand you to say that the present board of investigation, with perhaps some changes in the make-up which necessity might require, will be kept continually?

Admiral SANDS. Yes, sir; there is no change in that at present.

The CHAIRMAN. Are you familiar with the West Point regulations at present?

Admiral SANDS. I am familiar with the regulations, but I have been made familiar with that part of it after my own action—that is, that West Point has a board of investigation in existence.

The CHAIRMAN. I understand that at West Point, since the investigation five years ago on the outbreak of hazing there, such a board has been kept continually in existence.

Admiral SANDS. Yes.

The CHAIRMAN. Is it your purpose to occasionally endeavor to ascertain if hazing exists, even if no report is made?

Admiral SANDS. Oh, yes. That is the reason I did not dissolve the board. It was after I had given that direction that I received the recommendation of the board itself that it should be kept in session, and then I was informed that that was the case at West Point. So we are all of one mind on that.

Mr. DAWSON. You can do that without any additional authority of law?

Admiral SANDS. Oh, yes. I have absolute control in the appointment of all boards here. The only thing I could not do myself was to appoint a board that could administer oaths without authority of the Secretary of the Navy. He having given me the authority for this board as long as I hold that board in session that authority remains.

Mr. DAWSON. And you can convene it and examine into conditions at any time?

Admiral SANDS. Yes; it is a board of investigation that can be called into session at any time.

The CHAIRMAN. I want to ask you about the case of a boy named Bean, from Texas.

Admiral SANDS. I am sorry that you did not ask it five minutes ago.

The CHAIRMAN. And also two other cases. I ask for this reason: A complaint has been made to the committee that Bean and, I think, two other boys were permitted to go along up to almost the day of graduation; that they had expended five or six or seven hundred dollars in the purchase of the necessary clothing and uniforms, and then were not permitted to graduate. The complaint was made that these boys should have been notified sooner, so that they would not have made this needless expenditure, which some of them, it seems, are not able to afford; and we thought it would be fair to the authorities if we had the exact knowledge about it. Is there any objection to it coming in here?

Admiral SANDS. None whatever. In the case of Bean, his name has been on my desk for, I suppose, six or eight weeks, as to whether he should be dropped from the service as deficient in conduct. His demerits were continually mounting up; but I have held the case along to see whether it would be necessary for me to try him for hazing rather than to drop him for conduct. He had gotten beyond the limit. The charges of hazing were not finally in such shape, after my experience with the court-martial, that I was sure of proving it, and therefore I did not bring him before the court, although the charges are specified under oath, as to specified occasions. I thought inasmuch as he ought to go, whether for hazing or for conduct, that he had better take the least and not be subjected to trial. That is his case. One of those papers brought before me just a short time ago to sign was the letter stating the offenses which he had committed and for which I recommended that he be dropped.

The CHAIRMAN. Could he have been reasonably notified that he could not graduate before it became necessary for him to purchase his clothing?

Admiral SANDS. No; because I had no knowledge of his purchase of his clothing at all. There were others who had more prudence. One gentleman who did graduate did not purchase his clothing, not because of any question of conduct, but he thought a physical defect was going to cause him to leave the service. He did not purchase his clothing, and he left the academy with his diploma without his necessary uniforms. Mr. Bean certainly knew what his conduct was during the whole year much better than the officers of the academy, and it was only the things he was caught doing that he was given demerits for.

The CHAIRMAN. Was there any necessity for his purchasing clothing before graduation?

Admiral SANDS. There is no necessity for doing it. He had two weeks after graduation for doing it.

Mr. DAWSON. Under the requirements he would have two weeks?

Admiral SANDS. The others have two weeks' leave, and some have more, dependent on the departure of steamers for foreign ports. He has no use for them for two weeks, but the tailors besiege this place, and they can not resist the temptation. They want to see themselves in their new clothes.

Mr. DAWSON. We heard of one young man, a prudent individual, who came to the ball in civilian clothes. He wanted to be sure that he needed his uniform before he bought it.

Admiral SANDS. Yes; that is the way of it. I think every midshipman in the academy knows that not one-half of the cases of hazing have been reported, and certainly not one-tenth of the infractions of the regulations.

Mr. DAWSON. Admiral, the law governing naval officers, I understand, requires a certain amount of sea duty as a prerequisite to advancement in grade.

Admiral SANDS. No; the law does not require it in all grades. That is not the law in our service, because sometimes an officer is kept on shore on duty which is much more important to him than the going to sea would be, because he may be an expert in some line and the service can not spare him to go to sea.

Mr. DAWSON. Then he loses nothing by remaining on shore?

Admiral SANDS. No.

Mr. DAWSON. Could Admiral Brownson have been advanced?

Admiral SANDS. Yes.

Mr. DAWSON. Could he have been advanced without leaving here and going to sea?

Admiral SANDS. Yes, sir; it is dependent altogether on the Department's wish.

Mr. DAWSON. Then there is nothing in the law at present which prevents leaving the superintendent here so long as it seems to be for the good of the service.

Admiral SANDS. Nothing whatever. The Department can leave an officer on any duty for as long a time as his services are desired.

Mr. DAWSON. The committee understood from some source that the existing law prevented leaving a superintendent here who seemed to be suitable for the place and adapted to it, as long as the Department might wish, owing to the necessity for sea duty under the law.

Admiral SANDS. Some officers remain six months and some might remain six or eight years.

Mr. DAWSON. Do you not think it a great misfortune for the school to have frequent changes in the head of it?

Admiral SANDS. I think, while there is a period of transition, that it is unwise to have frequent changes; but when we are settled down to routine I see no reason why they should not change the officers—I should say the instructors—once in three years and the Superintendent once in four years. I see no reason why that should not be done.

Mr. DAWSON. Do you think the term of service of the superintendent and the commandant of midshipmen should expire together? Would it not be better if the superintendent and his immediate instrument in reaching and regulating the midshipmen should go at different times, if one should remain?

Admiral SANDS. There are arguments on both sides. The superintendent would like to carry out his own views and he would like his own man to do it, and not have someone to tell him constantly that the other method, he thinks, would be preferable. That is, he does not want to come here with the officer next below him wedded to certain ways. If he sees that reform is necessary, he would have very hard work to carry it out with a man who is imbued with the idea that reform is not necessary. I think, however, that about at least six months' difference in the time of their leaving would answer the purpose of getting the superintendent fully acquainted with things

as they exist before he changes the commandant. In that way he could make up his mind as to what was necessary to change and what had better remain, and when the time came, six months later, for the commandant to leave the successor to the commandant could then be told in what way it would be well to change the existing rules.

The CHAIRMAN. It seems to be a well-settled principle in all colleges and schools of the country that a man who is found adapted to the place should be kept as long as possible, and that a change from one man to another leaves a period in which the school suffers inevitably, while the incoming superintendent or president of a college, or whatever he may be, is obtaining the necessary information in relation to it.

Admiral SANDS. Yes; I have myself thought that there should be some provision against all the officers leaving at one time. As we have it now we can not keep an officer even two years here. An officer who is here for eighteen months is liable to go at any moment. In the middle of the year the graduating of this first class makes it possible to take a certain number of officers for active service afloat, without regard to the necessity of their being here to better the conditions, which were bad in the first term. I had hoped to be able to do better in the second term than in the first by a number of officers, but I am assured, and I have absolute faith in the assurance, that the officers are needed at sea, and that they will not be touched here where it is possible to avoid it. Yet this is the only place from which you can draw officers. At every other station the people are overworked, having two or three duties to perform.

The CHAIRMAN. How long has the surgeon here in charge now been here; several years?

Admiral SANDS. No, sir; he came here at my request about, I think, the 1st of September. The 1st of September, 1905, I brought him here.

The CHAIRMAN. Then the surgeon was here during——

Admiral SANDS. The surgeon here before was here for two or three years.

The CHAIRMAN. He was here while Admiral Brownson was here?

Admiral SANDS. Yes, sir.

The CHAIRMAN. I suppose he has a staff of assistants?

Admiral SANDS. Yes.

The CHAIRMAN. Are any of them here?

Admiral SANDS. One is. His detachment came to-day. He is the only one, I think. His detachment came to-day, but he will not leave until Monday. He has been here for two years, at least.

The CHAIRMAN. What is his name?

Admiral SANDS. Stone. Surgeon E. P. Stone.

The CHAIRMAN. Can he be spared to appear before the committee to-morrow?

Admiral SANDS. At any time. I will have to attend to it right away.

The CHAIRMAN. We will have some others.

Mr. GREGG. We had better take him right away, because he is going off to-morrow.

The CHAIRMAN. We will take them in order. Our purpose is to inquire somewhat into class fighting—the system of class fighting which seemed to prevail before hazing broke out.

Admiral SANDS. Yes.

The CHAIRMAN. We think, from our present knowledge, that class fighting has been discontinued with the commencement of hazing. In your opinion, there is no class fighting at present?

Admiral SANDS. There is no class fighting at all. There may be a fisticuff now and then, but I have no information about it.

The CHAIRMAN. We have information which tends to show that last year and the year before class fighting prevailed to a large extent. We would like to make some inquiries about it.

Admiral SANDS. There are officers here other than surgeons whom you can get on that subject.

The CHAIRMAN. How would they have knowledge of it?

Admiral SANDS. I don't know. I understood you——

The CHAIRMAN. But you think they have knowledge of it?

Admiral SANDS. Oh, no, I do not. But they could tell you more than those who came this year. That is what I meant. If there is anything known, it is known to them—to those who are going away during this summer. None of the people who came with me, of course, knew anything about that.

The CHAIRMAN. Is there not an officer named Snyder on your roll?

Admiral SANDS. No, sir. He was one of those picked up, in addition to his other duties, to take a turn as discipline officer, while all the people but the fourth class were away from the academy. By the way, he is on the sick list at the present time.

The CHAIRMAN. Did you tell us that all of these four disciplinary officers had come here since you came?

Admiral SANDS. No, sir.

The CHAIRMAN. Two of them, I think you said.

Admiral SANDS. There is only one of them that came here since I came.

The CHAIRMAN. Did we get his name?

Admiral SANDS. I did not give the one that came with me. Lieutenant-Commander McVay is the one that came with me.

The CHAIRMAN. Do you know if there is a first-classman named Fitch still here?

Admiral SANDS. Fitch has gone.

Mr. DAWSON. Is Snyder here in the academy?

Admiral SANDS. Yes. You asked me if I punished anybody for infraction of the regulations. Fitch and Noyes, and I think Armstrong and Jensen—and there may be one or two others—were reduced to the ranks by me for that Meriwether affair, at once. I recommended that they be turned back into the next class, but that was not within my province, and the Secretary of the Navy told me to punish them according to my power, and I gave them demerits.

Mr. DAWSON. Snyder will be here next week if we want to call him?

Admiral SANDS. Oh, yes. Snyder is here all the time.

The CHAIRMAN. If Congress should provide degrees of punishment for hazing—brutal hazing and the hazing that in the opinion of the authorities here should require immediate dismissal—would you make punishment for lesser degrees, for minor offenses of hazing, upon the demerit system?

Admiral SANDS. I think so.

The CHAIRMAN. Would it be necessary in that case to keep the account of a midshipman for hazing and the demerits given him along

that line separate from those already provided, or would you enlarge the number, or would you still have the present figures as the maximum which they could receive?

Admiral SANDS. My new regulations change all the figures.

The CHAIRMAN. Do they enlarge them?

Admiral SANDS. They enlarge them.

The CHAIRMAN. Did you have hazing offenses in view in making it larger?

Admiral SANDS. No. I have put hazing and various other offenses in the new regulations as special, which means something above 100 demerits—either recommendation for dismissal, or something above 100 demerits—dependent upon the Superintendent's ideas in the matter, and other offenses from 100 down. But hazing is, with offenses against morality and other things, regarded as one of the most severe things we have. That special would allow me, you understand, to give any number of demerits I chose, or to recommend for dismissal.

The CHAIRMAN. Do you mean that 100 would be the minimum which could be given for any degree of hazing?

Admiral SANDS. No; it allows me to take into consideration extenuating circumstances. There is no fixed punishment for those offense.

Mr. GREGG. A minimum, but not a maximum? That special means not under 100?

Admiral SANDS. Special means anything from nothing to dismissal. The special is not tabulated at all, because I can not tell what punishment to give for that offense. It is impossible for me to give a punishment that would be fixed for a certain offense.

Mr. PADGETT. You stated that in your new regulations you were increasing the number of demerits for certain things.

Admiral SANDS. For certain offenses that I consider more serious.

Mr. PADGETT. Do you increase the total aggregate?

Admiral SANDS. No, sir; I have not touched that.

Mr. PADGETT. You still leave the same aggregate.

Admiral SANDS. The same aggregate as it was before, so if a man happens to be in the first class and I give him 100 demerits it means that he is pretty close onto dismissal.

Mr. PADGETT. It leaves a margin of 50.

Admiral SANDS. It leaves a margin of 50 for the balance of the year, and leaves no margin for the first term.

Mr. PADGETT. It was the aggregate I was asking about.

Admiral SANDS. I was not thinking of the aggregate. Excuse me.

Mr. GREGG. I understand you are simply referring to the fact that for some offenses you have increased the number of demerits that would be given.

Admiral SANDS. That is the idea. If I had increased the number allowed I would have discounted the value of the punishment, so I kept the aggregate as it is and increased the punishment, so that if they are persistent violators of the regulations they stay a very short time in the academy.

Mr. PADGETT. I understood from a former conversation with you, Admiral, that getting the aggregate amount assigned to each class, of demerits, did not necessarily mean dismissal.

Admiral SANDS. Not necessarily.

Mr. PADGETT. That is a matter that addresses itself to your sound discretion.

Admiral SANDS. That is the idea. We may report him as deficient in conduct, but we may have better reasons for not doing so.

Mr. PADGETT. It is left to your sound discretion—the number of demerits?

Admiral SANDS. It is. I may state that looking to the interests of the Navy, if he is of value to the Navy, we do what we can to retain him; but if we become convinced that he is not of value to the Navy, we make the report which we are permitted to, and recommend that we find him deficient in conduct if he has above the number of demerits that he is permitted.

Mr. PADGETT. If something should come up that would run him above, and still you thought he was a useful man and it was for the interest of the Navy to retain him, although he might have gotten in excess of the amount, he still could be retained?

Admiral SANDS. He could be retained. It is a great question whether it is willful or accidental in many cases. Willful infractions of discipline are things that we can not overlook, because it means that he is a man not at all fitted to command others.

The CHAIRMAN. I suppose evidences of reform in his conduct would have a good deal of bearing.

Admiral SANDS. We give all the latitude we can to deserving people.

The CHAIRMAN. How much discretion is left with your disciplinary officers, if any, as to demerits given to midshipmen?

Admiral SANDS. They are allowed to judge of the case primarily. Their judgment is submitted to the commandant and is afterwards put before me for approval, and if I do not approve it it is altered. If the commandant does not approve it, he makes a note of it and submits it to me with his reasons. So they have the use of judgment primarily in the matter. If it is sound judgment we sustain it.

The CHAIRMAN. How much, if any, opportunity for partiality or unfairness resulting from prejudice, or any reason, is there in the hands of these subordinate officers?

Admiral SANDS. There could not be much, because the question with them rests upon whether the excuse which is given by the offender is a reasonable one or not. Every offense is posted, and the offender is required by the regulations to submit a written excuse or explanation. If it is reasonable it is accepted. If it is not reasonable he gets a stated number of demerits for that offense.

Mr. GREGG. Right in that connection: The report is made to the officer in charge?

Admiral SANDS. To the officer of the division.

Mr. GREGG. He makes his report to the commandant?

Admiral SANDS. He makes his report to the commandant.

Mr. GREGG. Then it is made to you?

Admiral SANDS. To me.

Mr. GREGG. That includes reporting the boy's excuse?

Admiral SANDS. Yes.

Mr. GREGG. Has he then any right of appeal from you?

Admiral SANDS. Oh, no; he appeals to me.

Mr. GREGG. You are final?

Admiral SANDS. I have all to do with the discipline of the academy. Nobody in Washington could possibly alter any detail.

Mr. GREGG. There is no appeal from your decision?

Admiral SANDS. No appeal at all.

Mr. DAWSON. Then, under the practice, do the cadet officers and cadet petty officers initiate the demerit in every instance?

Admiral SANDS. They make the report; they have nothing to do with the demerit. They report the offense, and the officer of the division is the first court. He adjudges the guilt of the offender, and according to the guilt he assigns the fixed penalty.

Mr. DAWSON. He recommends a certain demerit?

Admiral SANDS. A certain demerit. That is fixed. He gets it from the list in the regulations. Then the commandant examines into that, and if there is any doubt in the matter at all he has his own witnesses up and inquires into it. When he has satisfied himself then he brings the case to me for final approval. So it has to go through three courts. The divisional officer in the first instance is a man who is desirous of maintaining discipline in his division with the least number of punishments in the way of teaching these young men to do their duty without fear. Then, of course, he being required to use his judgment fairly, and the duties of his office requiring him to be impartial, he has to submit his opinion again to an unbiased judge—the commandant. And he must come to me finally as a supreme court as to whether he is to be sustained or not.

Mr. DAWSON. Is that the practice with every demerit?

Admiral SANDS. Every one—from 1 up to 100. They all come to me. They are put on big sheets, with the name of the offender, the class to which he belongs; then comes the offense, and then the reporting officer—whether a midshipman or anyone else—whoever is on duty and is responsible for the maintenance of order, and then comes the action of the divisional officer on the demerits, of accepting or not accepting the excuse. It is all marked down. It has also the demerits that are in the regulation. That is signed by all those people. The divisional officer having signed it, the commandant. signs it after examination and brings it to me for ratification.

The CHAIRMAN. To what extent do you call midshipmen before you in person for examination in connection with these cases of demerits?

Admiral SANDS. Never; except when there is reason to consider them subject to dismissal.

The CHAIRMAN. To what extent do they have the right to come to you personally if they desire to make personal explanation or go into it further?

Admiral SANDS. They always have a right to make the request, and that is submitted to me as to whether I will see them or not.

The CHAIRMAN. Must they make it in writing?

Admiral SANDS. I do not think the regulations require that they shall make it in writing. I think they have come before me on the verbal notification from the commandant that such and such a midshipman had asked if he could see me on certain subjects. When my aide has brought in that request, I have answered as to whether I would see him or whether I would not. If it is a case that I have previously adjudged upon written testimony I may not see him. I do not recall an instance at this time when I did not see him.

The CHAIRMAN. Do you know if there is any difference in the practice prevailing now and the year before as to the liberty with which students may come to the superintendent?

Admiral SANDS. I have no idea. Of course I have sent for them very frequently when I needed information for myself. I have sent for them. I have sent for them in cases when I found the midshipmen seemed to be misunderstood. Such a case came under my notice immediately after the return of the midshipmen from the cruise. A young man seemed to me to be reckless in piling up demerits and punishment. I sent for him, and I shut my door and told him he was at perfect liberty now to say anything that was on his mind—to forget that he was a midshipman and tell me what was governing his conduct. The young man sat there for an hour and told me his difficulties from the time he first entered the Naval Academy. He was perfectly frank. He had no blame for anybody but himself, but he said he was misunderstood. He told the whole story right there, of how he had made efforts to resign and it had been refused him. I told him he was at perfect liberty to consult with his father, and make any statement to me that he might choose, in writing, after that consultation, and I would take it under consideration. He did so, and I allowed him to resign, or at least recommended to the Department to permit him to resign. He left. He was a manly fellow, but he was unfit for the service. He had absolutely nothing in common with the service. He said he could not bear for anybody to give him an order, and he could not give an order to anybody else. In military life that would never do. He resigned and went out West and put himself at once in a college and finished his education. There is a case where a man did not seek me, although I gave him the first opportunity to explain his conduct and helped him on his way.

Mr. DAWSON. Do the midshipmen seek interviews with the superintendent with very great frequency?

Admiral SANDS. Oh, no; never unless they have something important. Their applications are principally in writing, asking permission to see a professor, or to speak to an officer on a certain subject, principally in regard to their marks. They are given that permission, and very frequently they are wrong. Sometimes they are right. Whenever that is the case, they are satisfied with the answer they get or the explanation. But they are not allowed to speak to an officer, or a professor, or instructor upon the subject of their marks or the subject of any report without authority from me. If they have any idea that they are not well treated, they have only to make that request in writing, showing that they are serious in the matter, and the matter is inquired into and righted at once.

Mr. DAWSON. The same relations do not exist then at the Naval Academy which exist at a collegiate institution—that is, between the scholars and the head of the institution?

Admiral SANDS. No; it could not be. There would be no possibility of governing them, of disciplining them. It would be impossible. They have got to have a regular gradation of appeal. If you allow a person to question an order that he has received, he will at once take that method of showing insubordination, and subordination is the first requisite for military life.

The CHAIRMAN. Well, gentlemen, perhaps we have put in enough time for one afternoon.

Admiral SANDS. Do not bother about me. I am entirely at your service.

Mr. GREGG. I think we have about covered the ground.

The CHAIRMAN. We might want to ask the Admiral some additional questions next week.

Admiral SANDS. If it is anything about the routine, I think the commandant can give you more information, because I do not bother myself about small details.

Mr. GREGG. Our further investigation may develop the fact that we may want to call you back again.

Admiral SANDS. I am at your service at any time. The question of minor details must come from the commandant, however, because he is given general directions, and he carries out the details under those general directions.

Mr. DAWSON. In the matter of discipline?

Admiral SANDS. Oh, yes; all orders; all the way through. You asked me this morning something about the manner in which my orders were given to the midshipmen. All general orders that pertain to the whole body of midshipmen are published regularly at formation. They are read out by the brigade adjutant before all the midshipmen, and then posted, so that they have full knowledge of what is intended.

The CHAIRMAN. What does "posted" mean?

Admiral SANDS. Put on the bulletin boards for the different battalions.

Mr. GREGG. In the corridors?

Admiral SANDS. Yes.

Mr. LOUD. How many bulletin boards are there?

Admiral SANDS. I don't know. There are at least a dozen. I don't know how many.

Mr. GREGG. Are the demerits posted every night?

Admiral SANDS. Yes; the demerits.

Mr. GREGG. And the cause of the demerits?

Admiral SANDS. Everything is posted there.

Mr. GREGG. Then if a boy finds he has a demerit for some particular thing and wants to make an explanation he makes it in writing to the commandant?

Admiral SANDS. That is made before he gets the demerit. The offense is published.

Mr. GREGG. Published how? At formation or read out or posted?

Admiral SANDS. Posted in each battalion.

Mr. GREGG. And he can come there and see it?

Admiral SANDS. Certainly.

Mr. GREGG. And when he sees that if he wants to make any explanation he makes that in writing?

Admiral SANDS. Yes, sir.

Mr. GREGG. Can he come in person to the commandant?

Admiral SANDS. No; in writing. Otherwise the commandant wouldn't have anything to do but to listen to 800 youngsters. It is put in in writing, and he examines it at his leisure.

Mr. GREGG. I attended a military school at one time and we went to the commandant in person; but if we did not have an excuse we never went.

The CHAIRMAN. If you thought you were unjustly dealt with?

Mr. GREGG. Yes; we went then.

Admiral SANDS. You can always go to the commandant; there is no doubt about that. But the regular routine is that he must put it in writing and ask for permission to make an explanation.

The CHAIRMAN. I suppose in a good many cases no explanation comes in?

Admiral SANDS. Yes; and for small matters—one demerit, for instance—I suppose they think there is no use in troubling about it, and they do not notice how the demerits are piling up.

The CHAIRMAN. Admiral, I will ask you the question as to what your personal opinion is of what is known as hazing, and of these practices embraced under that term, and your reasons for such opinion?

Admiral SANDS. I consider the term “hazing” to embrace all forms of running and fagging (or menial service), as well as what may be specifically called physical hazing. In brief, any and all forms of unauthorized or illegal requirements of underclassmen by upper-classmen, since all such requirements tend to lower the self-respect of the victim and to restrict him in the exercise of his personal rights and liberty.

In my opinion hazing is both cowardly and ungentlemanly—cowardly because it is taking advantage of one more or less helpless and defenseless; ungentlemanly because it is cowardly. For both reasons it is entirely at variance with the ideas and rules of conduct that should prevail in the formation of a naval officer.

I consider that cowardliness in hazing exists in both the perpetrator and the coerced victim. In the former because he counts upon the defenselessness and nonresistance of the latter; in the latter because he permits himself to be cowed and coerced without self-assertion of his rights—without resistance.

The subcommittee (at 5.30 o'clock p. m.) adjourned until tomorrow, Friday, February 16, 1906, at 10 o'clock a. m.

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., February 16, 1906.

The subcommittee met at 10 o'clock a. m. Hon. E. B. Vreeland in the chair.

STATEMENT OF SURGEON E. P. STONE, U. S. NAVY.

The CHAIRMAN. Surgeon, the officers that we desire to hear are appearing before the committee in pursuance of an order from the President and the Secretary of the Navy through the superintendent. That being the situation, we do not administer an oath to the officers who appear before us in the performance of their duty.

Surgeon STONE. Yes, sir.

The CHAIRMAN. Doctor, how long have you been here?

Surgeon STONE. I have been here about twenty-two months.

The CHAIRMAN. How much of a corps of doctors do you have connected with the academy here?

Surgeon STONE. Usually five. It fluctuates, but we generally have five. Sometimes it goes down to as few as three.

The CHAIRMAN. What is the name of the position which you hold?

Surgeon STONE. It has not any special name.

The CHAIRMAN. Assistant surgeon, surgeon, or what?

Surgeon STONE. I am the second one in rank, but there is no special designation. I am simply one of them.

The CHAIRMAN. You are all surgeons, and the only rank would be the order in which you came in?

Surgeon STONE. Yes, sir; except that one of the medical officers is detailed entirely for the gymnasium work—the physical training.

The CHAIRMAN. Does one of the corps stay at the gymnasium during their practice exercises?

Surgeon STONE. I do not know that he is there all the time that they are practicing. I don't know just how he arranges the work.

The CHAIRMAN. What do you mean by being detailed for those exercises?

Surgeon STONE. He is supposed to examine them and to determine what group of muscles, for instance, wants to be developed, and to see that the men who go out for various athletics are in physical condition to take the exertion.

The CHAIRMAN. Where does he do that; at the gymnasium?

Surgeon STONE. Yes, sir; at the gymnasium. He has an office there, and there are certain records kept of the strength and growth, and that sort of thing, of the men. He keeps those and he makes those examinations.

The CHAIRMAN. He is away, somewhere, from where you stay?

Surgeon STONE. Yes, sir.

The CHAIRMAN. You do not know whether he is at the gymnasium during the day or not?

Surgeon STONE. No, sir, I do not, except in a general and casual way, know anything about his personal movements.

The CHAIRMAN. What is your general and casual knowledge of where he is?

Surgeon STONE. I know he has certain hours at the gymnasium, and that at certain times of the year he is making these examinations of all the midshipman in the academy, and that when the various athletic events are on—the baseball, and the football, and crew, and so forth—he is working more or less with them.

The CHAIRMAN. The others of the medical staff stay where?

Surgeon STONE. The three of us do most of our duty over in sick quarters. There is one medical officer, the junior, who attends to the sick at the marine barracks and down on the *Santee*.

The CHAIRMAN. What is the method of finding out about the sick here; is there a roll call in the morning, or anything of that sort?

Surgeon STONE. There are two sick calls sounded during the day. Anyone who wishes to consult the doctor comes to sick quarters at that time. In case of an emergency, or of sudden sickness, or anything of that kind, there is an officer of the day that can be called upon at any time during the day.

The CHAIRMAN. A boy who is sick at any time, day or night, can communicate with the officer in charge.

Surgeon STONE. The medical officer of the day.

The CHAIRMAN. And could get permission to come to the hospital or the headquarters, or whatever you call it?

Surgeon STONE. Yes, sir; and if he is not able to come the medical officer goes to his quarters and sees him.

The CHAIRMAN. Do you treat them there; do you have beds there and hospital arrangements?

Surgeon STONE. At the sick quarters; yes.

The CHAIRMAN. At the sick quarters?

Surgeon STONE. Yes, sir; the regular sick calls are all held there, and those who are too sick, for any reason, to go on with their duties and studies are taken into the hospital. Then the others are simply prescribed for, and they come for treatment at various times.

The CHAIRMAN. How many have you there at the present time?

Surgeon STONE. I think about six or seven were there yesterday morning. I have not been there this morning, so I do not know.

The CHAIRMAN. What were they suffering from; injuries or sickness?

Surgeon STONE. Sickness, I presume. I really could not tell you. The duty is arranged so that Doctor McCormick and I take it week about in attending to the sick in the hospital. This happens to be Doctor McCormick's week, so that I do not know just about the cases that are there now.

The CHAIRMAN. What were the cases when you left?

Surgeon STONE. On my last day's duty there was only one man, with a sore throat.

The CHAIRMAN. Do you work all the time for a week and then have a week off?

Surgeon STONE. We take the morning sick call, and we look out for those that are sick in the hospital for one week. Then we have our day's duty, and whatever board work we may have, and all that sort of thing, irrespective of that.

The CHAIRMAN. Do you have many accidents from the gymnasium?

Surgeon STONE. Comparatively few, except from minor things, like a sprained hand or something of that kind.

The CHAIRMAN. They are usually of that class—sprains?

Surgeon STONE. Yes, sir.

The CHAIRMAN. How does the work in the sick quarters this year compare with that of last year?

Surgeon STONE. It is very much less than last year.

The CHAIRMAN. What causes the difference; a larger number of students?

Surgeon STONE. I don't know what causes that. I have speculated on it myself. Yet there seems to be, as a matter of fact, a fewer number of men who come to the sick calls than did last year, and the hospital averages fewer men in the hospital than it did last year.

The CHAIRMAN. How do the accidents and sprains and injuries compare with last year?

Surgeon STONE. Well, I think perhaps they are just about the same in proportion to the total number.

The CHAIRMAN. When a boy comes in there with an injury, Doctor, tell us what the proceeding would be?

Surgeon STONE. Well, it would be to examine the injury and determine what it was, and determine how much it incapacitates him. If it seems to be so severe that he can not go on with his work, then he is admitted and put under treatment.

The CHAIRMAN. Yes; would that be all of the proceedings?

Surgeon STONE. Of course every man that is admitted is reported

each morning in the morning sick call in the morning report. If anyone is admitted after the sick call in the morning his name is sent down to the commandant, to let them know there that he is in the hospital.

The CHAIRMAN. What would your report to the commandant be?

Surgeon STONE. Simply his name and class.

The CHAIRMAN. Anything about the injury?

Surgeon STONE. No, sir.

The CHAIRMAN. Anything about how he received it?

Surgeon STONE. No, sir.

The CHAIRMAN. Is any inquiry made by you as to how he received it?

Surgeon STONE. There would naturally be some inquiry if it was not self-evident.

The CHAIRMAN. Were there any of them self-evident, as to how they happened?

Surgeon STONE. Oftentimes you can form a pretty good idea of how a thing has happened.

The CHAIRMAN. Do you ask the student?

Surgeon STONE. Oh, yes; we generally ask them, just as you would with any other patient, and get what history you can of the case. We find out all that can be found out about it.

The CHAIRMAN. As you do with any other patient. You mean in general practice?

Surgeon STONE. Yes, sir.

The CHAIRMAN. Then if it occurs to you to ask him how it happened you would, and if it did not occur to you you would not?

Surgeon STONE. Yes.

The CHAIRMAN. It would not be any part of your duty to inquire how it happened?

Surgeon STONE. No, sir. Of course every man who is admitted on the sick list has a statement made as to whatever his sickness or his injury is, whether it has originated in the line of duty or not; and every case is inquired into enough to enable the medical officer to form an opinion as to whether the injury, whatever it is, is something that has occurred legitimately in connection with his duties, his drills; whether it is an accident or something that was unavoidable on his part, or due to the conditions of climate, etc., or not. That statement has to be made in every case that is admitted to the journal.

The CHAIRMAN. I have been endeavoring to find out whether there is any duty on your part or on the part of the other medical officers down in the sick quarters to find out when a boy comes in with a broken arm or a broken jawbone as to how that happened. Is there any duty on your part or not?

Surgeon STONE. To that extent.

The CHAIRMAN. To what extent?

Surgeon STONE. Of determining whether it originated in the line of duty or not.

The CHAIRMAN. Does your duty in this academy require you to inquire of the boy how the accident happened?

Surgeon STONE. Not beyond that.

The CHAIRMAN. Your understanding is that it is not a part of your duty to make any inquiry about the origin of the accident or how it happened?

Surgeon STONE. As I say, we have got to make that statement, and, of course, you have got to inquire to a large extent into it to be able to make that statement intelligently.

The CHAIRMAN. Does your duty as a medical officer in this academy require you to inquire of the students appearing there with injuries as to how they happened?

Surgeon STONE. Yes, sir.

The CHAIRMAN. Do you, as a matter of fact, inquire of each student who comes in with an injury as to how it happened?

Surgeon STONE. Yes, sir.

The CHAIRMAN. What do you do with the information?

Surgeon STONE. I use it in making the history of the case in the medical journal.

The CHAIRMAN. That is entered in the books, is it?

Surgeon STONE. Yes, sir.

The CHAIRMAN. Doctor, can you come here this afternoon and bring us one of your journals, as you call them, in which you enter this information?

Surgeon STONE. I could get it for you in three minutes if I sent an orderly. Shall I do that?

The CHAIRMAN. Yes; if you will. I will call him in.

Surgeon STONE. I will send for what medical journals they have over there. I do not know how far back they will go, because as soon as a journal is completed it is supposed to be sent to Washington to be put on file in the Bureau. So I do not know how far back they may have them there at the sick quarters.

The CHAIRMAN. The origin of the accidents is entered in the books?

Surgeon STONE. Yes, sir.

The CHAIRMAN. What report do you make of that, and to whom?

Surgeon STONE. You just enter it in the journal, and then, of course, a report is made to the senior medical officer if it is considered anything out of the usual.

The CHAIRMAN. The senior medical officer in charge?

Surgeon STONE. Yes, sir.

The CHAIRMAN. What does he do with it?

Surgeon STONE. I don't know that he does anything with it, except to be informed as to what is going on in the hospital and what cases are there.

The CHAIRMAN. Then no information is developed in sick quarters if a boy comes in with a broken jaw as to whether he got it falling down stairs, playing football, being hazed, being engaged in a fight, or in what manner it originated, that is given to any other officer in this institution?

Surgeon STONE. No, sir; without it is called for. There is nothing in any order or custom or rule or regulation of the academy that I know of that calls for that information to be given. It is in the judgment of the senior medical officer. If he thinks that it is something that should be reported to the superintendent I presume he reports it to him.

The CHAIRMAN. The rules for the interior discipline and government of the United States Naval Academy—do they apply to you as one of the officers on duty here?

Surgeon STONE. I suppose so; yes, sir.

The CHAIRMAN. They apply to all the officers attached to the academy?

Surgeon STONE. Yes, sir.

The CHAIRMAN. Do not these rules make it the duty of every officer attached to this academy to report all cases of breach of discipline or any information necessary thereto—any discovery of breaches of discipline?

Surgeon STONE. I do not know whether they do or not, sir. I have never considered that I had anything to do with the discipline of the academy or the disciplinary department of the academy.

The CHAIRMAN. That is what we wanted to find out—as to who are responsible for the things that happen and who are not. Rule 12, in the Regulations of the Naval Academy, page 7, says:

It shall be the duty of all officers, naval and civil, at the academy, who have knowledge of any violation of a regulation, or of any neglect or improper conduct of which a midshipman has been guilty, to report the fact to the commandant of midshipmen. Cases of negligence or impropriety on the part of any other person connected with the academy shall be reported by the person observing them to the superintendent.

If a boy comes in with his jaw broken and you ask him how it happened, and he tells you that he received it in a fight, would that be a case of breach of discipline?

Surgeon STONE. I suppose it would be.

The CHAIRMAN. Would it be your duty to report that to anybody?

Surgeon STONE. I never had understood that it would.

The CHAIRMAN. How do you understand it now.

Surgeon STONE. Well, I suppose it would look as though it was expected. I never have seen that paragraph before.

The CHAIRMAN. You have seen the book?

Surgeon STONE. No, sir—yes, I have seen the book, but I have never studied it at all. When I came here I simply dropped into the routine and custom that I found here established by my predecessors and those that were here.

I have here now the medical journal that you wished me to send for.

The CHAIRMAN. How far back does that one go, Doctor?

Surgeon STONE. It goes back to May 29, 1905.

The CHAIRMAN. Can you find some case there of an accident or an injury to a boy?

Surgeon STONE. Yes; there is one of dislocation.

The CHAIRMAN. Give the name of it so the stenographer can take it down. Give the name, the date, and what you have entered in relation to it.

Surgeon STONE. The date is September 9, 1905. Do you want the man's name? Do you want me to read the full record?

The CHAIRMAN. Yes; read the full record.

Surgeon STONE (reading): "Ordway, Earl Prime; midshipman, fourth class; age, 19 $\frac{9}{12}$; native of Michigan; luxatio. Origin, line of duty. Due to an accident occurring in gymnasium."

Do you wish me to read the history of the case? I suppose that entry is the thing you are most interested in, that I just read?

The CHAIRMAN. What sort of an accident was that?

Surgeon STONE. That was a man who fell from the swinging rings in the gymnasium, and dislocated one of the breast bones.

The CHAIRMAN. Is that there?

Surgeon STONE. Yes.

The CHAIRMAN. Give us the whole record that you have entered there.

Surgeon STONE (reading): "Fell from rings, striking flat on the floor, with arms extended backward. Dislocation between front and second pieces of sternum. Pain on breathing and movements. Adhesive straps across chest."

That is the complete record.

The CHAIRMAN. Can you find there a case called the Kimbrough case, December 12th or 13th?

Surgeon STONE. Yes.

The CHAIRMAN. Give us the full information that you have entered in that case.

Surgeon STONE (reading): "Kimbrough, Jerdone Pettus; midshipman, fourth class; age, 17 $\frac{3}{4}$; native of Tennessee; syncope. Origin, in line of duty. Due to causes incident to academy life."

I might say, in explanation of that, which perhaps you do not understand, that that was put down "in line of duty" for the reason that the boy was not considered himself responsible; that it was something that he did not bring on himself voluntarily, something that he was subjected to, and not something that because of his own indiscretion or imprudence caused the injury. Then the history is:

"Was severely hazed by being made to stand on his head for a long time. He fainted once and was revived and made to go on standing on head. He was found by the officer in charge unconscious and brought to the hospital. He reached the hospital between 8.30 and 9 p. m. He was unconscious, delirious, and thrashed about bed. He was in a condition of profound shock. Given subcu of morphia, a quarter of a grain."

That is the entry record.

The CHAIRMAN. Would any report of that be made—of the information you put down there as to the hazing part of it? Would you make any report of that anywhere?

Surgeon STONE. As a matter of fact this case was first seen by Doctor Byrnes, who is the senior medical officer, and I know from what he told me that he immediately reported it; at least I do not know that he reported it that night, but he reported it in the morning.

The CHAIRMAN. To the superintendent?

Surgeon STONE. To the superintendent. The ordinary naval regulations that govern medical officers in these matters, is that the report of an injury that would give rise to a pension is reported at once to the commanding officer; but not necessarily in other things. But the journal is the journal of the station or ship, or whatever it may be, which is open to the inspection of the commanding officer at any time he chooses to send for it.

The CHAIRMAN. Yes.

Surgeon STONE. And in some stations the commanding officers as a matter of custom call for this journal every few days and look it over to see what the medical record of the ship or station may be.

The CHAIRMAN. That is along the lines of general information on the part of the commander of the ship?

Surgeon STONE. Yes, sir.

The CHAIRMAN. Of course, here you have another element; that is the discipline of the academy, which enters into the matter. In the Meriwether-Branch fight, were either of them treated in the hospital?

Surgeon STONE. Both were.

The CHAIRMAN. Show us the record, please.

Surgeon STONE. I do not know just how these records will read at first, because oftentimes a boy is admitted, and the day he is admitted they put down what is found at the time. It is just like the record that would be made in a civil hospital, or anywhere where medical records are kept. You put down what you find at the time, and in the course of the case there may be other facts develop that are not in the first record.

The CHAIRMAN. Were you there when either of them were brought in?

Surgeon STONE. Yes, sir; I was there when both of them were brought in. I was the first one who saw both of them.

The CHAIRMAN. You were the officer in charge at the time?

Surgeon STONE. I happened to be on duty that day. That was in November, I think. Mr. Meriwether came in first. He came in the night of the fight, and Mr. Branch did not come in until the next morning. They were both admitted in the journal, the same day, because Meriwether came in—oh, yes, I was mistaken in saying that Meriwether came in that night, because they both came in the same day, but at different times. Would you like to have me read the Meriwether record?

The CHAIRMAN. Yes, give the record of both to the stenographer, please.

Surgeon STONE. I do not think you will want the whole Branch record. It covers three or four pages here. Perhaps if you would glance over it you might see what part you want and what part you do not want.

The CHAIRMAN. I want the medical part of it.

Surgeon STONE. It starts there, and covers down to there [indicating].

The CHAIRMAN. No, we do not care about the matter of details of the treatment. What we would like to have you give is the entry——

Surgeon STONE. Of disease and origin?

The CHAIRMAN. The information that was put down, if any, as to how the injuries were received?

Surgeon STONE. Yes, sir.

The CHAIRMAN. What was the time of day when Meriwether was brought in?

Surgeon STONE. He was one of the first that came over at sick call.

The CHAIRMAN. In the morning?

Surgeon STONE. At the morning sick call. Then before the sick call was over we got word about Branch, and he was sent for; so that he came in perhaps an hour or an hour and a half later than Meriwether.

The CHAIRMAN. The fight took place sometime during the night?

Surgeon STONE. It took place—yes, sir; it was about 8 o'clock, as I remember it, that it began.

The CHAIRMAN. In the evening?

Surgeon STONE. Yes, sir.

The CHAIRMAN. Now, will you please read each of those and let the stenographer take them?

Surgeon STONE (reading): "Meriwether, Minor, jr.; midshipman, third class; age, 19 $\frac{8}{12}$; native of Tennessee; stremma shoulder; origin, not in line of duty. Due to injury received in a fight."

Do you want me to read the medical history—shoulder painful on movement, and so forth?

The CHAIRMAN. Yes; you might read until you strike the details of treatment.

Surgeon STONE (reading): "Shoulder is very painful on movement, and motion is limited; left ankle is also sprained and swollen about outer malleolus."

That is all of the Meriwether record. Then the Branch record is as follows: "Branch, James Robinson, jr.; midshipman, second class; age, 19 $\frac{3}{2}$; native of Virginia; apoplexia, traumatic; origin, not in line of duty. Injuries received in a fight. During morning sick call it was reported that he was in his quarters, and in bad shape. He was brought to the hospital and found to be unconscious; temperature 101 $\frac{4}{10}$; pulse, 80. The left temple above eyes, the mouth, and left side of face were much swollen and contused, and there were many bruises on arms, especially the forearms."

All the rest consists of details of symptoms and treatment.

The CHAIRMAN. Suppose, Doctor, that either Branch or Meriwether had said that he received the injuries in the gymnasium, would you have put that down?

Surgeon STONE. Not if I thought the weight of the evidence was that he did not receive it there, but received it in some other way. I should exercise my judgment as to whether he was telling the truth or not.

The CHAIRMAN. Well, suppose your own judgment was that it was not the result of a fall in the gymnasium, or an injury in the gymnasium, how would you go to work to ascertain what had happened?

Surgeon STONE. Well, I could only do it by questioning them and by taking what answers they would give; and if it was not anything very serious, if it was a simple thing that was of no particular importance, I probably would not think it was necessary to be very accurate, more than to determine whether it was in the line of duty or not. If I thought it was something that had not occurred in the line of duty, as I say, if it was a simple thing and a matter of no physical importance, I would probably just content myself with saying that it was not in the line of duty, without trying to find out absolutely how it happened.

The CHAIRMAN. There is no requirement, then, by the rules of the institution, or the orders of the superintendent, or any duty imposed upon you from any source, to inquire into the origin of these accidents?

Surgeon STONE. No, sir.

The CHAIRMAN. Beyond what the boys say, unless it is of a very serious nature?

Surgeon STONE. Yes, sir. I think that my feeling has always been, personally, about the matter, that I was simply the doctor here to take care of the people here as a doctor, and not connected particularly with the administration of the institution.

Mr. DAWSON. Or the discipline?

Surgeon STONE. Yes, sir; except so far as it concerns our own particular province of the hospital. I feel that the medical officers are responsible for the good order and proper behavior, and that sort of thing, of the midshipmen in the hospital.

The CHAIRMAN. Can you usually tell, Doctor, from the injuries which students receive, about what the source of them would be?

Surgeon STONE. Well, I think, roughly speaking, you can. For instance, if a boy comes in with his eyes blacked up, and that sort of thing, it is a pretty fair inference that he has been in a fight with somebody. Of course there are other injuries that you could not tell.

The CHAIRMAN. Since the first of September last, have many boys reported to the hospital for treatment of injuries of that nature, where you would judge from their appearance that they were the result of fights?

Surgeon STONE. My recollection is that there have not been any since the Branch-Meriwether affair. I think there may have been one or two before that, but I am not positive.

The CHAIRMAN. The Branch-Meriwether affair was in November?

Surgeon STONE. Yes.

The CHAIRMAN. From the 1st of September—the classes, however, did not arrive here until the 1st of October, did they, the senior classes, outside of the fourth class?

Surgeon STONE. The 1st of October.

The CHAIRMAN. During the month of October, and up to the time of the Branch-Meriwether fight, you recall a few instances?

Surgeon STONE. Come to think of it, I do not believe there were any during October, or if there were they were very slight affairs; I do not remember.

The CHAIRMAN. Two or three are all you remember about during that period—the whole fall—up to the time of the Branch-Meriwether fight?

Surgeon STONE. Well, from the 1st of October up to the Branch-Meriwether affair I do not recall any.

The CHAIRMAN. The amount of fighting done, then, during the present school year has been very slight?

Surgeon STONE. So far as I know; yes, sir.

The CHAIRMAN. Is it your understanding, Doctor, that during the preceding year a large number of fights took place?

Surgeon STONE. No, sir; I can not be accurate as to the figures, but my impression is that I have seen the victims of from ten to twelve fights since I have been on duty here.

The CHAIRMAN. In twenty-two months?

Surgeon STONE. Yes, sir.

The CHAIRMAN. Of course a great many fights might take place where the injury was not severe enough so that they would report to the hospital?

Surgeon STONE. Yes, sir.

The CHAIRMAN. I suppose that men with black eyes, or injuries of that kind, do not necessarily come to the hospital?

Surgeon STONE. No; they try to conceal it; unless they have to.

The CHAIRMAN. Unless it is more serious?

Surgeon STONE. And it is very hard, oftentimes, to make them admit anything about how their injuries occurred. I think there is a custom here that a cadet is not obliged to incriminate himself, so that if they are reluctant to answer and refuse to answer, why, I do not know that they thought it worth while to investigate, or try to make them tell. If I was pretty sure it was a fight—anyway, I put it down as a fight, no matter what they say.

The CHAIRMAN. The view prevails to quite an extent that fights are pretty sure to occur among a body of young men like this?

Surgeon STONE. Yes, sir.

The CHAIRMAN. And perhaps, if they do occur once in a while, that it may not be a very bad thing for the institution?

Surgeon STONE. On that matter I think I can say that ever since I have been in the service I have heard of these fights going on at the academy between midshipmen and between classes, and I suppose that everybody else in the service has heard of them.

The CHAIRMAN. Yes.

Surgeon STONE. And that it was an accepted thing that the fights did occur.

The CHAIRMAN. Yes.

Surgeon STONE. And that it is not very much different from the way they might occur in any school, except that they had sort of crystallized their routine of carrying them out a little more than others.

The CHAIRMAN. Surgeon, you use the word service. Did you mean the service here?

Surgeon STONE. No; I meant in the Navy.

Mr. GREGG. You do not limit it to here?

Surgeon STONE. I mean that as I have been associated with different officers, graduates of the academy, since I have been in the service, and they have reminisced of their days down here, they would be apt to tell of some fight that occurred in their class, or during their time here, or something of that kind.

The CHAIRMAN. Now, Doctor, do you understand that the fights that took place here, more particularly before the present school year, were along the lines of what they call class fights? Does that practice prevail? You understand what I mean by class fighting?

Surgeon STONE. I have understood, just in a general way, as you hear what different midshipmen tell you, as you talk about it, that there were rules among the midshipmen themselves governing their fights with reference to certain class conditions.

The CHAIRMAN. Yes. You understood, I suppose, that these fights usually resulted from the refusal of lower-class men to perform acts required of them by upper-class men?

Surgeon STONE. No, sir; I do not understand that that is necessary. Of course it may be the origin of a good many; but if anything comes up in which one man may feel aggrieved, they are liable to settle it with a fight. It might be in connection, possibly, with some running, or hazing, or it may be entirely a personal matter.

The CHAIRMAN. But that is not what is termed class fighting, is it, if two individuals fall out and fall upon each other? They may be in the same class, and that is a personal encounter; but you do not understand that to be meant when we speak of class fighting?

Surgeon STONE. I am just telling you what I do understand.

The CHAIRMAN. Yes; state what it is.

Surgeon STONE. It is simply as I understand it, as a matter of gossip. It is not anything that I know of personally.

The CHAIRMAN. Yes; it is hearsay.

Surgeon STONE. I am outside of the classes——

The CHAIRMAN. I understand; yet you are within the walls here, and you are going around here.

Surgeon STONE. Yes; I have, of course, heard something of it since I have been at the academy—more of the details of it than I did

when I was out in general service. As I understand it, a plebe, a fourth-classman ———

The CHAIRMAN. Yes.

Surgeon STONE. Is not allowed to fight with an upper-class man. If he has a grievance and he wants to fight or they want to make him fight, he has to refer it. It is referred to the class of the man with whom the trouble is, and the class president selects a man to fight the plebe. But if it is between any of the other classes, after a man has ceased to be a plebe, then the fight can be between the individuals who have the difficulty, except that they will not allow a manifest difference in physical power between the two men. If, for instance, a small man in one class and a big man in the other class want to have a fight, they do not allow that to come off. They select some man that will make it an even thing.

Mr. DAWSON. Is not this question of arriving at the physical strength determined almost entirely by the weight of the combatants, as you understand it?

Surgeon STONE. I do not know how they determine it. They determine it amongst themselves. I suppose it would be partly their reputation as a fighter, their size and weight, and everything of that kind.

The CHAIRMAN. And the usual result is, I suppose, Doctor, that the plebe gets licked?

Surgeon STONE. Yes; he generally gets licked.

The CHAIRMAN. If not the first time, then the next time?

Surgeon STONE. It is not considered according to ethics to allow a plebe to whip an upper-class man.

The CHAIRMAN. It is not considered good form?

Surgeon STONE. No. That is as I understand it.

Mr. GREGG. So that he might just as well take his licking in the first instance?

Surgeon STONE. Then, as I was just saying, when they become third class men, after the June when the order is read out rating them up as third class men, then if the plebe still feels that he is aggrieved he can pick out the man. He can have his personal encounter with the man who offended him: and I believe one such fight occurred last June. At least there was a fight, and I understood that it was, in a general way, one of those affairs. I was not told that by either of the principals. In all of this matter my information is purely the information of gossip.

The CHAIRMAN. The committee has information that in the school year preceding the present school year a very large number of class fights took place. Your recollection is that not a large number of cases came to the hospital, where you judged that they had been engaged in fights?

Surgeon STONE. Yes, sir; my recollection is about ten or twelve.

The CHAIRMAN. During the year?

Surgeon STONE. During the time I have been here, and that would include the Branch-Meriwether affair.

The CHAIRMAN. But they would not come to the hospital unless they were injured to a sufficient extent so that they needed treatment?

Surgeon STONE. Yes, sir.

Mr. LOUD. Does that include what he saw alone, or both what he saw and the other surgeon in charge saw?

Surgeon STONE. I would know the cases that were in the hospital. I would be cognizant of them whether I admitted them or the other doctor did.

Mr. LOUD. Do you make a record of them, as they come to you, on the book?

Surgeon STONE. No, sir; the officer who holds the sick call makes the record.

The CHAIRMAN. I was asking these questions on the assumption that you were familiar with the cases that came in.

Surgeon STONE. I am familiar with all the cases that come in the hospital.

The CHAIRMAN. I suppose that each one keeps himself familiar with the records.

Surgeon STONE. Yes, sir.

The CHAIRMAN. So that your answers cover all the cases that came in, so far as the medical department knew?

Surgeon STONE. Yes, sir; I hold the evening sick call every other night or every third night, and then of course we talk over the cases amongst ourselves, so that I would know whether there were cases of fighting whether I admitted them or the other doctor admitted them.

The CHAIRMAN. Doctor, the general information which comes to a man who has been living here two years and a half must be fairly accurate. As a general rule, do they receive much injury in these class fights?

Surgeon STONE. I should say not; no, sir. I imagine that the numbers that I have seen are a very small proportion of the fights that have occurred, and none of them were anything serious. The majority of them were contusions of the face—perhaps an eye closed up for a day or two or the lip being cut by the teeth. There were quite a number of cases of that kind, where there had to be some stitches taken in sewing up the lip. But of course it was all right in a day or two. I have known of no case of injury except the Branch case; that is, I mean by injury, injury that would leave any permanent result.

The CHAIRMAN. That is during a period of twenty-two months?

Surgeon STONE. Yes, sir.

The CHAIRMAN. That is the only fight that has come to the hospital where the injury was serious?

Surgeon STONE. Yes, sir.

The CHAIRMAN. Mr. Padgett, if there is anything you would like to ask the Doctor you may proceed.

Mr. PADGETT. I do not care to ask anything now.

The CHAIRMAN. Mr. Gregg, you may ask your questions.

Mr. GREGG. Doctor, let me see if I got a correct inference from your evidence. The inquiries made by you when a midshipman comes to you at the hospital as to the cause of the injury are made and the record is kept with a view of fixing his pensionable status, and not with a view to aiding in discipline. Is that correct?

Surgeon STONE. Not quite, sir. It is not kept with a view to the pension, because none of these midshipmen are pensionable, whatever their injury may be.

Mr. GREGG. Are they not pensionable for an injury received by them here in line of service?

Surgeon STONE. No, sir. They have no benefit of pension until they become commissioned.

Mr. GREGG. I thought you said something about a pension?

Surgeon STONE. I said that in the service generally the general regulations of the Navy require a report to the commanding officer—an immediate report to the commanding officer—as to any injury that might result in the person receiving it receiving a pension. But these records are kept as part of our Bureau. The records are a part of the medical history of the case. Abstracts made from these are sent in quarterly, and if from professional or other reasons you want to look up the medical history of a man you turn to these books to find the history. It is more for that purpose.

Mr. GREGG. You said you remembered, I believe, since you had been in the service, ten cases?

Surgeon STONE. Ten or twelve. I do not know the exact number.

Mr. GREGG. Ten or twelve cases reported to the hospital where the injuries showed that they originated in a fight?

Surgeon STONE. As severe enough to require admission to the hospital.

Mr. GREGG. Does your record show in each case that the injury was due to a fight?

Surgeon STONE. I think so, sir—if we were able to determine it.

Mr. GREGG. Those ten or twelve that you speak of the records show?

Surgeon STONE. Those that I remember and consider as having been the result of fighting are shown by the record, so far as I know.

Mr. GREGG. That is all, I believe, Mr. Chairman.

The CHAIRMAN. While I think of it, Doctor, will you be kind enough to make us a list of the dates—we do not care for the names—but a list of the dates and the entries in your book concerning every case that is marked “fight” during the present school year—up to date—and the preceding school year?

Surgeon STONE. I will do as well as I can, sir; but I do not know.

The CHAIRMAN. The records, you say, have gone to the Navy Department?

Surgeon STONE. Yes.

The CHAIRMAN. And how far back do the records go that you have on hand?

Surgeon STONE. It is possible that I may be able to find it from some other papers.

Mr. DAWSON. Could we not have that record returned?

The CHAIRMAN. Yes. We would like to have you make out that sort of a list, Doctor, for the present school year and the preceding school year, giving all the cases and the dates, and the entries concerning the fights, without the names. If you find that one of your journals has gone to the Department so that you can not get it, if you will let us know, so that we can identify it, we will ask to have it returned.

Mr. GREGG. Ought not the record to show what class the midshipmen belonged to?

The CHAIRMAN. That is a part of the record, in giving his name, I suppose.

Surgeon STONE. I would like to make a request of the committee.

The CHAIRMAN. Yes.

Surgeon STONE. If you have no objection.

The CHAIRMAN. State it, Doctor.

Surgeon STONE. This information which you ask me to give, of course, is not anything personal to me?

The CHAIRMAN. No.

Surgeon STONE. The records, if they are there at all, are in the sick quarters, and are available to all the other medical officers.

The CHAIRMAN. Yes.

Surgeon STONE. And if it would be agreeable to the committee to excuse me from making that list and ask for that list from some other officer, I will be very much obliged, for this reason. I am in a rather peculiar position. I was detached yesterday and have got to leave Tuesday morning, and I have a household to pack up, and it is almost impossible for me to get through by Tuesday morning. Anyway, as this list for which you ask is not a personal list, it could be gotten from Doctor Byrnes or Doctor McCormick.

The CHAIRMAN. Just as well, Doctor.

Surgeon STONE. If you will kindly excuse me, and will call on them to make it, I will be very much obliged.

The CHAIRMAN. We requested you to do it because you knew what we wanted. Will it be necessary for us to call upon the senior medical officer to make the request, or can you see him for us?

Surgeon STONE. I can transmit your request to him.

The CHAIRMAN. Will you say to him that the committee would like this information sent in; and any book that you need, if you will let us know, we will have brought down from the Department.

Surgeon STONE. I did not know but that you might have him before you.

The CHAIRMAN. We may have, but we would like this information, so that it can be collecting.

Surgeon STONE. I will explain it to him.

The CHAIRMAN. All right. That will not come up until next week. He can take his time about it. Mr. Loud, did you have some questions you wanted to ask the Doctor?

Mr. LOUD. What I want to ask is if there is in that record any evidence of a fight being recorded——

Surgeon STONE. Other than that I have read?

Mr. LOUD. Otherwise than the Branch-Meriwether fight.

Surgeon STONE. I could not say positively. You see, we see a great many men, and sometimes I do not remember their names. I remember one, the worst case I have seen—that is, the most injured of anyone that I have seen—and that was the case of a young man named Hoover, of last year's entering class. He was simply very badly contused about the face, but the thing all cleared up in three or four days.

Mr. LOUD. How long ago was that?

Surgeon STONE. Some time during the last scholastic year, but I do not find his name entered here in this journal. It must be in one of the back journals. That is the only case I remember by name.

The CHAIRMAN. Mr. Dawson, have you any questions you would like to ask the Doctor?

Mr. DAWSON. No, sir.

Mr. PADGETT. Doctor, could you make any suggestion with reference to the keeping of the records in the hospital, so as to locate and ascertain the occurrence of fights, by any methods better than now exist?

Surgeon STONE. I think the records are as complete as need be. If it was desirable to emphasize the report being made, the regula-

tion which directed that a report of all injuries be made to the superintendent, I should think, would cover it.

Mr. PADGETT. That is, you would just report all injuries received to the superintendent, and he will then institute an investigation to ascertain the cause or origin?

Surgeon STONE. Yes, sir; of course, it would be reported that the information was gotten there at sick quarters.

Mr. PADGETT. I believe that is all.

The CHAIRMAN. That is all, Doctor. We are very much obliged to you for coming up and answering all our questions so frankly and so fully.

STATEMENT OF MIDSHIPMAN CHURCHILL HUMPHREY, U. S. NAVY.

The CHAIRMAN. Mr. Humphrey, this is an investigation by the Naval Committee of the House of Representatives. The cadets and officers in this institution are appearing before the committee by order of the President and the Secretary of the Navy, transmitted through the superintendent of the academy. In addition to that we desire to have each cadet take the oath.

Midshipman HUMPHREY. Yes, sir.

Midshipman CHURCHILL HUMPHREY, being first duly sworn, testified as follows:

The CHAIRMAN. What is your full name?

Midshipman HUMPHREY. Churchill Humphrey, sir.

The CHAIRMAN. From what State were you appointed?

Midshipman HUMPHREY. From Kentucky, sir.

The CHAIRMAN. You are the president of the second class?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. That is the class which will become the senior class at the end of the school year?

Midshipman HUMPHREY. It is the senior class now, sir. It will become the first class at the end of the year.

The CHAIRMAN. But until the commencement of the next year they are called the second class?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Is the term "senior" used here, also, as it is in colleges?

Midshipman HUMPHREY. No, sir; sometimes in a class like this the senior class is spoken of, but the term is mostly used officially with the second class.

Mr. PADGETT. It is used to designate the class during this hiatus?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. What is your age, Mr. Humphrey?

Midshipman HUMPHREY. Twenty, sir.

The CHAIRMAN. Have you ever heard of a practice which exists, or which is said to exist, in this and other schools, called hazing?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Are the members of any class hazed, as the term is, except the members of the fourth class?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. It is directed entirely against the one class?

Midshipman HUMPHREY. Yes, sir; and not against all members of the fourth class. Those who had previously been members of the third class and who have been dropped or turned back are not hazed, although they are members of the fourth class.

The CHAIRMAN. Yes. For example, the late examinations have shown that quite a number will drop back or fail to go forward with their class, but they will now be exempt from hazing?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. A year is all they are supposed to take of it?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. And each of the classes above the fourth class has a right to haze the fourth class, under the theories which prevail in your system?

Midshipman HUMPHREY. Yes, sir—that is, to a certain extent, sir. The senior class always has taken it in hand as to just exactly how much shall be done and how much shall not be done.

The CHAIRMAN. As they go on from the fourth to the third class, from the third to the second class, and from the second to the first class, their privileges along this line increase—that is, the first class would have rights in relation to hazing the fourth class which the third and second classes would not have—or does that apply only to rating?

Midshipman HUMPHREY. That applies only to rating, sir. In regard to hazing, a senior class man—that is, a man in a class senior to the class which contains the man who is hazing—has a right to break it up.

Mr. PADGETT. Will you please read that, Mr. Reporter?

The reporter read the last answer.

The CHAIRMAN. I understand by that that if a third class man is hazing a fourth class man, a member of the senior class, or the first class, would have a right to stop it and break it up—forbid it.

Midshipman HUMPHREY. Yes, sir. For instance, if a third class man would be hazing, a second class man would have a right to forbid it, or a first class man would have a right to forbid it.

The CHAIRMAN. Anyone in a senior class?

Midshipman HUMPHREY. Anyone in a class above could do that.

The CHAIRMAN. Or they would have a right to turn in and assist, I suppose?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Mr. Humphrey, the boys here and elsewhere in schools seem to have invented a vernacular of so-called terms for these hazing practices. I wish you would give us all the terms you can think of that are used in hazing—all the exercises and forms of hazing, both physical and otherwise. I want to see if you are as advanced as they are at West Point, or were, when they had it in practice there.

Midshipman HUMPHREY. Most of these terms I will have to give on hearsay. The sixteenth exercise consists of an exercise which used to be No. 16 in the old drill regulation book. It consists of a man undergoing the exercise of placing both heels together, with his hands on his hips, and then stooping down and straightening again.

The CHAIRMAN. I think we are fairly familiar with the method of doing it in most of these cases. If we are not, we will ask you as to the particular one. We understand what the sixteenth is.

Midshipman HUMPHREY. Then there is an exercise known as going on the head. There is one known as——

Mr. PADGETT. I would like you to explain about going on the head.

Midshipman HUMPHREY. That consists of a fourth class man putting his hands and his forehead on the deck and raising his feet. He will be in a position then with his hands and forehead and both feet on the deck. Then he will raise his feet 6 or 8 inches off the deck and allow them to strike again, and continue that exercise rapidly.

Mr. PADGETT. Does he raise both feet, or one

Midshipman HUMPHREY. Both feet, about 6 inches.

Mr. GREGG. And strike them together

Midshipman HUMPHREY. No; he just kicks up.

The CHAIRMAN. We used to call it standing on the head. Will you tell us how they perform this exercise under the table? How can they raise their feet up, in order to stand on the head? Or do they not try to raise up entirely?

Midshipman HUMPHREY. A man could get under the table, and after he raised his feet up he would occupy really no more space than he did in the first place.

The CHAIRMAN. Except that he could not straighten up.

Midshipman HUMPHREY. He never would straighten up.

The CHAIRMAN. No matter whether he was out in the room or not?

Midshipman HUMPHREY. No, sir; they never raise the feet more than 6 or 8 inches.

The CHAIRMAN. They do it rapidly, do they?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. How severe a physical test is it, say, upon a fourth class man, to have him go on his head 100 times? What I mean is, would going on the head 100 times be exhausting to the ordinary boy in the fourth class?

Midshipman HUMPHREY. I think that number of times would not produce any strain. It would be quite exhausting and quite uncomfortable. I should think that you could not so much judge by the number of times as by the length of time. Well, I tried it the other night myself, as an experiment. A man can do that exercise 120 times in a minute.

The CHAIRMAN. In a minute?

Midshipman HUMPHREY. Yes, sir; and that is just about all he would want.

The CHAIRMAN. You think that he has had all the exercise he needs for that day?

Midshipman HUMPHREY. Yes, sir; that is enough.

The CHAIRMAN. Do indiscreet boys sometimes require them to go on their heads 200, 300, or a larger number of times?

Midshipman HUMPHREY. There are cases where they do, yes, sir; or where they have done it.

The CHAIRMAN. You think that, perhaps, is injurious; that is, unduly exhausting to the boy who does it, from your own test that you made yourself?

Midshipman HUMPHREY. No, sir; not from what I have seen—not from a little of it; that is, a minute—but I should think that over a minute, say a minute and a half, would be unduly exhausting.

The CHAIRMAN. To keep up for a minute and a half?

Midshipman HUMPHREY. Yes, sir; I think if it continued as much as a minute, to my mind it would be quite long enough to do it.

The CHAIRMAN. I suppose the boys who come in the fourth class are not as hardened and not in as good physical condition as they are in after they have been here for a year, as a rule?

Midshipman HUMPHREY. As a rule they are younger, of course, and that has a good deal to do with it.

The CHAIRMAN. And they have not, as a rule, had the regular physical athletic exercise which would harden them?

Midshipman HUMPHREY. No, sir; but I do not think really there is very much difference, except in the age, and in the right manner of living, too. I think that the first class men here compare a great deal more favorably to the senior classes of colleges, from the regular routine here and the absence from dissipation; but I think it is mostly on account of the age of the fourth class men that they are not the physical equals of the first class men.

The CHAIRMAN. I understood you to say that you tried the exercise of going on your head 120 times?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. And at the end of that period you were pretty tired?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. You would not have liked to continue it up to the 200 mark?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Nor the 300 mark?

Midshipman HUMPHREY. It would have been most uncomfortable. I do not think it would have produced any permanent physical strain, but it would have been certainly most uncomfortable.

The CHAIRMAN. Do you remember the number of times young Kimbrough went on his head, when it is alleged that he was exhausted to the point of losing consciousness?

Midshipman HUMPHREY. No, sir; I do not know the number of times he went on his head, but I remember the man that told him to go on his head told me that he had had him continue that exercise for seven minutes. I think he must have been exaggerating, because I do not think any one would have been physically capable of doing it seven minutes.

The CHAIRMAN. You were giving us the list of terms used in hazing. You have given us the sixteenth and the going on the head, I think, was the second one?

Midshipman HUMPHREY. Yes, sir; then there is one known as the crew.

The CHAIRMAN. Yes.

Midshipman HUMPHREY. I do not know whether that is spelled crew or creux. Then there is another one known as the double hypotenuse. There is another which I never have seen——

The CHAIRMAN. You might explain the double hypotenuse.

Midshipman HUMPHREY. That consists of placing both hands on a table and both feet on the window sill or some convenient object of the same height, and then bringing the body down until the stomach touches the floor.

The CHAIRMAN. Rather a severe exercise, is it not?

Midshipman HUMPHREY. It is a very severe exercise.

Mr. DAWSON. And then raising up again?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. How many times is it possible to do this, for a strong boy?

Midshipman HUMPHREY. I never have tried it, but I should think you would not be able to do it more than three or four times at most.

The CHAIRMAN. How many times can a strong boy do the crew without too much exhaustion?

Midshipman HUMPHREY. I do not think I could form an estimate of that, sir. No, I could not.

The CHAIRMAN. You can give us such other forms of exercise as occur to you.

Midshipman HUMPHREY. There is one known as the rabbit dance.

The CHAIRMAN. Yes; the committee has experimented with that.

Midshipman HUMPHREY. Then there is one known as the admiral's salute, which I have heard of, but have never seen.

The CHAIRMAN. Do you remember how it is done?

Midshipman HUMPHREY. No, sir; I do not.

The CHAIRMAN. Is there not one where they pull themselves up on the locker?

Midshipman HUMPHREY. That is hanging on the locker.

Mr. PADGETT. Could you give us any idea of the admiral's salute?

Midshipman HUMPHREY. No, sir; I do not think I could.

The CHAIRMAN. Can you think of any others?

Midshipman HUMPHREY. Hanging on the locker. Those are all the physical exercises——

Mr. PADGETT. And sitting on infinity?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Sitting on infinity. You practice that?

Midshipman HUMPHREY. I have seen that.

The CHAIRMAN. The leaning rest. Did you mention that?

Midshipman HUMPHREY. I don't believe I ever saw that; I don't remember it.

The CHAIRMAN. That is extending yourself on your hands and toes along the floor and raising up and down. You have seen it, I suppose?

Midshipman HUMPHREY. I have seen the exercise in the gymnasium, in the setting-up drill, but I never heard of it being practiced in hazing.

The CHAIRMAN. That has been practiced here somewhat, I judge, by the evidence before the investigating committee. Do you have what is called bracing here? Is not that used as hazing?

Midshipman HUMPHREY. That is not used as hazing, because no one but a cadet officer or a cadet petty officer is allowed to brace anybody—but then he may brace everybody.

Mr. DAWSON. At any time?

Midshipman HUMPHREY. At any time; yes, sir.

The CHAIRMAN. The idea is to give them a military carriage?

Midshipman HUMPHREY. Yes, sir. He does not confine it to fourth class men, but to third class men, and his own class, if he sees fit.

The CHAIRMAN. Have you had eagling in vogue here?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Where his arms are extended and waved as an eagle would its wings. Wooden-willying. Do they practice that?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Doing footballs?

Midshipman HUMPHREY. No, sir; I never heard of it.

The CHAIRMAN. Dipping?

Midshipman HUMPHREY. I never heard of it.

The CHAIRMAN. Taking plebe's rest?

Midshipman HUMPHREY. I never heard of that, sir.

The CHAIRMAN. You have neglected the plebes here to some extent. Stretching?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Holding out gun?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Sitting on bayonet?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Holding out Indian clubs, dumb-bells, or cleaning box?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Sweating?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Do you ever require them to take anything into their mouths and swallow it—like tabasco sauce—that you have heard of?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Ever feed them quinine?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Feet inspection in quarters?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Is dragging them out of bed ever practiced?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Standing on the head in a tub full of water?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Pillow fights?

Midshipman HUMPHREY. No, sir.

Mr. DAWSON. May I ask one question?

The CHAIRMAN. Yes.

Mr. DAWSON. Are there two methods of doing the sixteenth—one with the hands akimbo, and one with weights in the hands, or dictionaries?

Midshipman HUMPHREY. Yes; I have heard of that being done with a dictionary or some other weight or object held at arm's length.

Mr. LOUD. Do they give it a number—sixteenth or seventeenth?

Midshipman HUMPHREY. No, sir.

Mr. LOUD. I have so seen it in the record of the examinations.

Midshipman HUMPHREY. Yes, sir. I have seen very little of it and do not know.

The CHAIRMAN. Tell us about the rating practices. Does any other class except the first class require rating, or is any other class entitled to rating? What is rating? Is it a noun, or is it to be used as a noun, an adverb, a verb, and all of the rest of it?

Midshipman HUMPHREY. It is used as a verb and noun, I think, and an adjective—ratey—which is synonymous with impudence.

The CHAIRMAN. Then a boy who is ratey is one who is a little impudent and presumptuous, from the standpoint of the higher class men?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. And who needs a little toning up?

Midshipman HUMPHREY. Yes, sir.

Mr. DAWSON. Toning down?

The CHAIRMAN. Or toning down. Then rating is a noun, which would be the name of such practice?

Midshipman HUMPHREY. I don't think I ever heard it applied in that way, sir. I have heard the rates spoken of—that a man rates.

The CHAIRMAN. Yes; rating.

Midshipman HUMPHREY. Rating is an official term, but it is not used in that connection, sir.

The CHAIRMAN. Then rates would be the noun, which is the name of these practices?

Midshipman HUMPHREY. Yes, sir.

Mr. PADGETT. That is synonymous with privileges?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. And rating would be a participle meaning the application of the rates, or the carrying out of the rates, I suppose?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Can you recall the rates that are in vogue here?

Midshipman HUMPHREY. Yes, sir. The first class has the privilege of making such rates as they choose. The theory of rates, as I have always understood it, is for the convenience of the greatest number—that is, more especially for the senior class men. The theory is, that as a man rises in the classes he shall have more privileges. For convenience, I might cite one or two rates: One is that at the midshipmen's store, when the different classes are drawing small stores, the senior class men always have the privilege of going to the head of the line of the classes under him—that is, the first class man will take precedence over the second, third, and fourth class men; the second class men over third and fourth class men; and the third class men over the fourth class men. Then there are also rates on the small boats around here. The first class may use any boat. The second class can not use some of the half-raters; the third class can use none of the half-raters; and the fourth class can use only the sailing cutters.

The CHAIRMAN. Let me interrupt you there to ask if that has the official sanction of the authorities, or is that enforced by the boys, themselves, only?

Midshipman HUMPHREY. That is enforced, I believe, only by the midshipmen, sir.

The CHAIRMAN. The boys in using the boats—are they under the care or authority of a naval officer; one of the disciplinary force?

Midshipman HUMPHREY. They have to ask permission to use the boats, and they just go out in sailing parties of three and four. When they take the boats out in that way one man has to take charge, and he is responsible for the boat and the equipment.

The CHAIRMAN. That is, one of the cadet officers?

Midshipman HUMPHREY. No, sir; anyone.

The CHAIRMAN. How would it be determined who was in charge?

Midshipman HUMPHREY. They determine it among themselves. The authorities simply have to have someone to hold responsible if any of the regulations are broken while sailing. For instance, if they——

Mr. PADGETT. He means that he is made the special officer for the occasion.

Midshipman HUMPHREY. For instance, if they are going out sailing and they should land on prohibited or forbidden ground, the man who has taken charge is held responsible for the landing; or if any of the equipment of the boat is damaged he is held responsible.

The CHAIRMAN. Then no naval officer connected with the academy might be present?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. Therefore, you do not know how a naval officer of the disciplinary force would view the question of rates, in that respect?

Midshipman HUMPHREY. I know the officers in charge, who come on very frequently, know that there are certain boats that each class takes, and if a second class man comes in and asks for a half-rater, I think he would be very often told that his class boats had been already given out, and he would have to take the catboat.

The CHAIRMAN. He would ask for a half-rater, would he?

Midshipman HUMPHREY. A half-rater.

The CHAIRMAN. What would a first class man ask for?

Midshipman HUMPHREY. A first class man would—it just depends upon which boat he wants. The half-raters are supposed to be the easiest sailing boats.

The CHAIRMAN. The most desirable boats?

Midshipman HUMPHREY. Yes, sir; the most desirable boats.

The CHAIRMAN. And then is there a lower order of raters?

Midshipman HUMPHREY. There are four half-raters here, and the second class may use two and they are numbers three and four—I am not sure of that; I have them all written down. The second class can use three and four and the first class can use one, two, three, and four. The boat that is next desirable is the catboat; and after that the sailing launch; and after that the sailing cutter.

The CHAIRMAN. The fourth class man is not privileged to take any boat that is there when he comes down?

Midshipman HUMPHREY. The sailing cutter, sir.

The CHAIRMAN. They are not privileged to take any boats that are there, are they?

Midshipman HUMPHREY. No, sir; the sailing cutter. They are privileged to take out the sailing cutter.

The CHAIRMAN. But if first class men and fourth class men should all come together the first class men would have their first choice as to how they would go out.

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. What other rates prevail here, Mr. Humphrey?

Midshipman HUMPHREY. Well, there are certain walks that are detailed to the classes, and there are some benches that are on either side of the walk that used to lead from old man quarters. One is a first class bench and the other is a second class bench. The first class man, you understand, is privileged to use anything that belongs to the second or third class men.

The CHAIRMAN. The first class man has the privilege of using anything that belongs to the second or third class men?

Midshipman HUMPHREY. Yes, sir; or the fourth class men.

The CHAIRMAN. How far does that extend? He has not a right to use his uniform, has he?

Midshipman HUMPHREY. Oh, no, sir; I just meant about the walks and benches and boats.

Mr. PADGETT. Around the grounds.

The CHAIRMAN. He would not have a right to use his jack knife without his consent?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. But it is simply around the grounds?

Midshipman HUMPHREY. Simply the rates around the grounds.

The CHAIRMAN. In general, then, wherever there is, in the grounds, a choice in any line, the first class man is entitled to it as against the fourth class man or any lower class man?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. That is the principle of rates

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. It pertains to the sidewalks as well, somewhere?

Midshipman HUMPHREY. There used to be a number of rates that were against the regulations. That is, a second class man was privileged to break a regulation and not be reported by the cadet officer, but they have been done away with sometime since I have been here.

The CHAIRMAN. Are there any other rates that occur to you, general rates, existing here?

Midshipman HUMPHREY. Yes, sir; that only first and second class men can leave by the side doors of the Bancroft Hall, going to formation. That is a new rate. There was such a congestion of traffic at the time of formation that it was found to be impossible for all four classes to use it; so only the first and second classes were permitted by rate to use it.

The CHAIRMAN. How was that rate promulgated?

Midshipman HUMPHREY. The president of the senior class simply announced it to his class and to the presidents of the classes below him, and then just let it gradually spread. A first classman, or any senior classman, who saw a junior class man—that is, a class man below him—breaking a rate, would always call his attention to the fact.

The CHAIRMAN. There was a sort of system of capillary attraction, by which it permeated all through the student body?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. There is no question about the members of the fourth class hearing about it in a day or two, I suppose?

Midshipman HUMPHREY. They probably would; yes, sir.

The CHAIRMAN. If one that had not heard of it should start to leave by the side door I suppose some upper class man would call his attention to it?

Midshipman HUMPHREY. He would—or if he was a third class man. In the system of rates there is not very much difference made between classes. A first class man would call a third man's attention to a broken rate as quickly as he would a fourth man's attention. In other words, that is not hazing at all.

The CHAIRMAN. What is running, Mr. Humphrey?

Midshipman HUMPHREY. Well, running, so far as——

The CHAIRMAN. Before we get to running, Mr. Dawson has one or two questions about rating which he would like to bring out.

Mr. DAWSON. These rates, pretty generally, are voluntarily maintained among the different class men, are they not?

Midshipman HUMPHREY. Yes, sir. I have seen classmates call each other's attention to it.

Mr. DAWSON. Is it your understanding that this rating extends to the practice of hazing; that is, in the matter of hazing, that the first class men can haze fourth class men in certain particulars, but the second class men can not?

Midshipman HUMPHREY. No, sir.

Mr. DAWSON. For instance, to be specific, is it the understanding that only a first class man can send a fourth class man under the table?

Midshipman HUMPHREY. Oh, no, sir—wait a minute; yes, there was one rate about that, sir. At some of the mess tables there was an occasional publication ordered to be produced by the fourth class——

Mr. DAWSON. A bazoo?

Midshipman HUMPHREY. Called a bazoo. That was a first class rate.

Mr. DAWSON. Just one more question. Are these rates made up by a rate committee in each class or in any particular class?

Midshipman HUMPHREY. Why, by the first class, either by a rate committee or the president of the first class, who simply announces them as rates.

Mr. DAWSON. Does the president or the rate committee of the first class establish the rates for all the lower classes?

Midshipman HUMPHREY. Yes, sir.

Mr. DAWSON. That is all, Mr. Chairman.

Mr. GREGG. There is one question I should like to ask, that is, as to the denying to the fourth class men the right to look at upper class men. What does that come under, rating?

Midshipman HUMPHREY. No, sir; I would call that hazing.

Mr. GREGG. You call that hazing, do you?

Midshipman HUMPHREY. Yes, sir.

Mr. DAWSON. Or running?

Midshipman HUMPHREY. I can not very well differentiate between hazing and running, and I have never tried to. The whole thing seems to me to be splitting hairs.

The CHAIRMAN. Then that brings me back to the question I asked you as to what running is.

Midshipman HUMPHREY. Well, running may be used in another term. In one term it is synonymous with hazing, and in another term it is synonymous with teasing. You can run your own classmates by making them appear ridiculous, or turning a joke on them. That is running a man; or you may hear it spoken of as running an officer, or trying to make an officer appear, at times, a little ridiculous. But there is one term as to which there would be no way for me to try to differentiate between running and hazing, and that is the practice of forbidding fourth class men to look at upper class men. That is called running, but I would call that hazing.

The CHAIRMAN. The difference between them seems to be that hazing is carried out only against lower class men—fourth class men?

Midshipman HUMPHREY. Yes, sir; the term hazing, sir, is just about obsolete here. I have very rarely heard it spoken of as hazing. It is simply spoken of as running.

The CHAIRMAN. You do not think that since the law has commenced to use the term hazing that the boys are commencing to use other terms, do you?

Midshipman HUMPHREY. No, sir; I do not. I think the term running was brought in just as I said, in making a man appear ridiculous. That is to run him.

The CHAIRMAN. That is, he might be your own classmate?

Midshipman HUMPHREY. He might be my own classmate or anybody. The etymology of the word, I presume, would be that when they made a plebe appear ridiculous, first they spoke of hazing him, and gradually it drifted to the fact that they were running him. So it came about that the saying originated that you were running him to death, or something of that kind.

The CHAIRMAN. It might be hazing?

Midshipman HUMPHREY. It might be hazing or it might not be hazing.

The CHAIRMAN. But running would be applied to your own classmate, whereas hazing would never be use used in that connection?

Midshipman HUMPHREY. Oh, no, sir.

The CHAIRMAN. Does running refer to physical running or is it confined to other classes of running?

Midshipman HUMPHREY. It is confined to other classes.

The CHAIRMAN. It does not mean physical exercise?

Midshipman HUMPHREY. No, sir; it simply means making a man appear ridiculous.

The CHAIRMAN. That would be another wide distinction between that and hazing?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Fagging. I am merely getting these terms out——

Mr. PADGETT. I would like to ask a question about running.

The CHAIRMAN. We will take all these things up for further inquiry. Put your question.

Mr. PADGETT. Running also carries with it the idea of anything you might do to humiliate a man?

Midshipman HUMPHREY. Yes, sir.

Mr. PADGETT. All of those things, ridicule, humiliation, teasing, or making ridiculous, come under the general term of running?

Midshipman HUMPHREY. Yes, sir.

Mr. GREGG. In that connection, running to the extent of humiliation is only practiced on the fourth class. Is that correct?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. It may be practiced on any of them; on his classmates.

Mr. GREGG. I said to the extent of humiliation?

Midshipman HUMPHREY. No, sir; not at all. No one that I have ever seen, except in some cases where it has been directly taken up by the first class, have ever tried to humiliate a fourth class man. They all have tried to ridicule them, to do something that there would be a laugh at, or to take a little of the conceit out of him; but to humiliate a man, I take it, would mean to do something to him, or force him to do something, that would lessen his self-respect. I never have seen any authorized hazing—that is, hazing that is authorized by the first class—done that would lessen a man's self-respect.

Mr. PADGETT. Let me ask a question or two right there, to be specific. Do you think it does or does not lessen a man's self-respect to require him, a fourth class man, to come every morning at a certain hour and raise the curtain and wind the clock of an upper class man?

Midshipman HUMPHREY. I think it does not lessen his self-respect, because I did it myself when I was a fourth class man.

Mr. DAWSON. That is fagging, is it not, instead of running?

Mr. PADGETT. Does that come under the term fagging?

Midshipman HUMPHREY. The term fagging I never have come across except in reading books, in which the scene was laid at English schools. I think the only time I came across it was in reading Tom Brown at Rugby. The term is used there.

Mr. PADGETT. Requiring a fourth class man to get down on his knees and black his own shoes—would you think that was humiliating?

Midshipman HUMPHREY. For a man to black his own shoes?

Mr. PADGETT. To compel him to.

Midshipman HUMPHREY. No, sir; I do not. He is compelled by the regulations to do that, sir.

Mr. PADGETT. No; for the purpose of showing authority over him.

Midshipman HUMPHREY. No, sir; I do not think any man could be. I do not think compelling a man to keep his personal appearance neat would necessarily lessen his self-respect. Of course, I would feel humiliated, myself, if anyone should call attention to the fact that my dress was not correct or that my table manners were not correct; but I do not think it would lessen my self-respect.

Mr. PADGETT. There is another phase of it, and that is for a first class man to require a fourth class man to bring his meals to him for a couple of weeks or ten days, or all the time—whenever he might give the order. Would that be running and would that be humiliating?

Midshipman HUMPHREY. Well, sir, that is a practice as to which I will frankly agree with you that I do not think it is right. Of course, all of these things are referred to me as president of the senior class. There is no hazing any more, but when they were referred to me as president of my own class, I never would insist on anyone doing menial service that he did not want to do. I think I did insist on a man last year taking an orange to an upper class man's room; but I have always regretted the fact that I did that. I do not think it is right.

The CHAIRMAN. Mr. Humphrey, Mr. Dawson would like to ask you two or three questions about the terms used under "running."

Midshipman HUMPHREY. Yes, sir.

Mr. DAWSON. As I get it from reading the testimony, running would be applied either in the sense in which you have explained it, or in an exaggerated form in which it can be turned into hazing—into a species of hazing?

Midshipman HUMPHREY. Yes, sir.

Mr. DAWSON. Can you tell this committee all the common forms of running in the academy? Maybe I had better ask you if you can tell me if there are any in addition to the kinds I have set down here, taken from the testimony, and if these are properly classified as running?

Midshipman HUMPHREY. Yes, sir.

Mr. DAWSON. Making fourth class men tell stories?

Midshipman HUMPHREY. Yes, sir.

Mr. DAWSON. In some cases smutty stories?

Midshipman HUMPHREY. I would call that sometimes hazing and sometimes running.

Mr. DAWSON. Making them sing songs?

Midshipman HUMPHREY. I would like to say, sir, that a fourth class man does not have to tell a smutty story unless he pleases to. He can decide that matter for himself, and he is under no obligation at all to tell smutty stories.

Mr. DAWSON. He is not pressed to do that?

Midshipman HUMPHREY. He is not pressed to do that.

Mr. DAWSON. Putting them under the table. Would that be a species of running which is denominated hazing?

Midshipman HUMPHREY. Hazing? Well, you could call it running, but running, you might say, is a very comprehensive term. It takes in everything. Hazing is only one branch of running.

Mr. DAWSON. Running as practiced by the upper class men on the fourth class men may develop into simply a species of showing their authority over the fourth class men?

Midshipman HUMPHREY. Yes, sir.

Mr. DAWSON. For instance, compelling them to get onto the locker and sing and dance?

Midshipman HUMPHREY. Yes, sir.

Mr. DAWSON. Or imitate a cat fight?

Midshipman HUMPHREY. Yes, sir.

Mr. DAWSON. Those would be species of running which, in fact, would be species of hazing?

Midshipman HUMPHREY. Yes, sir.

Mr. DAWSON. Do you think of any other species of running practiced here, either of the kind which the cadets consider for the benefit of the lower class men or which are considered as species of hazing? Can you enumerate any other kinds?

Midshipman HUMPHREY. There is always a tendency to correct a fourth class man's table manners, if they do not happen to be just exactly what a man's table manners should be, to accord with the dignity of an officer in the navy. Whether that is running, or hazing, or kindness I do not know. It is a question.

Mr. DAWSON. You do not attempt to classify it?

Midshipman HUMPHREY. But it is nearly always done by ridicule, by telling him he had better throw out a life line to the spoon in his coffee cup, that it is being drowned; something like that. The ridicule is always intended to have a sting in it, and always does.

Mr. DAWSON. Do you know whether it has been the practice to any considerable extent in the mess room to require fourth class men to sit on the edges of the chairs while they are eating?

Midshipman HUMPHREY. Yes, sir; that is to make them hold themselves properly—to induce military carriage.

Mr. DAWSON. Does that have the sanction of the naval officers in the academy?

Midshipman HUMPHREY. About that I can not say, because I know the naval officers in the room want to see the fourth class men and every class man carry themselves in a military manner; but I do not think they would approve of it being done unofficially.

Mr. DAWSON. That is not in the regulations, then, to require fourth class men to sit on the edge of their chairs?

Midshipman HUMPHREY. Oh, no; but the authorities here would

like to see the cadet officers make everybody carry themselves in a correct manner.

Mr. DAWSON. That is all, Mr. Chairman.

The CHAIRMAN. Do you say, Mr. Humphrey, that the term fagging is not used here between, if I may so term it, or among, the classes?

Midshipman HUMPHREY. No, sir; I never have heard of it.

The CHAIRMAN. But the practices that in England are called "fagging" prevail here generally?

Midshipman HUMPHREY. Some of them; yes, sir.

The CHAIRMAN. It is a common thing here to have the first class call upon the members of the fourth class to perform duties that in the English schools are called fagging; that is, waiting upon them, running errands for them, performing little duties about their rooms, etc.?

Midshipman HUMPHREY. Yes, sir; performing certain duties about their rooms. For instance, a fourth class man would never be made to bring water to an upper class man, or to sweep out his room. I know there have been upper class men who have told fourth class men to do it, but if the fourth class man had refused point blank to do it he would have been upheld by the senior class.

The CHAIRMAN. In the testimony of some of the cadets I find, for example, that fourth class men wait upon first class men in their rooms and gather together the soiled linen and put it away, and when it comes back they take it out and arrange it in its proper place in the lockers. You do not call that fagging?

Midshipman HUMPHREY. The senior class would not allow anything like that to be done, sir, I do not think.

The CHAIRMAN. You think that has not the sanction of the senior class?

Midshipman HUMPHREY. I think it has not.

The CHAIRMAN. That is not an action which would receive the approval of the others?

Midshipman HUMPHREY. I do not think it would, sir. I will have to say that I did come across a case where a fourth class man did stow a locker of my classmate, and I did not interfere; but there are other cases where fourth class men have come to me and asked whether they were supposed to do this, and I would always tell them that they were not, that they might refuse to do it. If they did not choose to refuse, I did not trouble myself about it.

The CHAIRMAN. I think in the Decatur case, the fourth class men had brought up meals to him for a considerable period. Your understanding is that would be entirely voluntary on the part of the fourth class men, and that Mr. Decatur would not be sustained by his class in requiring it to be done; or is that another species which is permitted?

Midshipman HUMPHREY. The bringing up of meals—I can not say. I do not know just how that would be received. The question never has come up except in the one instance which I have cited during last year, when a fourth class man refused to bring an orange over to an upper class man's room, and I asked him to do it. I said he should do it. I asked him to bring it over that once so as to save trouble; and then I asked the upper class man not to request any such favor again. So I can not exactly say what it would be about that. I have always regretted the action I took at that time.

The CHAIRMAN. Do any except the first class have this right to require service, or did you say that only the first class has this right to require menial service of a lower class man?

Midshipman HUMPHREY. There are only two things that might be termed menial service, and every class has that right. That is, waking a man up in the morning—and, as I say, I am not certain in my own mind about what is the right thing to do and what is not the right thing to do about bringing up meals. But the stowing of the lockers, etc., is voluntary on the part of the fourth class man. I think he agrees with Walpole in letting sleeping dogs lie, and he goes ahead and does it. But if he would insist that he did not want to he would not be forced to do it. Those two things I am not certain about—waking a man up in the morning and bringing meals to him.

The CHAIRMAN. Will you tell me what practices in the line of performing services for the upper classes did have the sanction of the upper class during the past year, which you did act upon officially and decide that it was the duty of the fourth class man to perform such services?

Midshipman HUMPHREY. That one thing, the bringing of food from the mess hall; and the reason I insisted on that was because my class was in no position to make these decisions. It is the duty of the first class, you understand, sir, to make these decisions, and the leading men in my class had not made up their minds to do away with all of these things when they became the senior class, and lots of them thought that if we attempted any such action as that it would be somewhat presumptuous.

The CHAIRMAN. Then, bringing up food and waking up men in the morning were the two forms of service which the class officially pronounced to be proper on the part of the lower class men?

Midshipman HUMPHREY. Yes, sir; and I am not sure but the mailing of letters, also. That was done. I never saw a man object to that, though. Mailing of letters, and—let me think, and see if I can think of anything else——

The CHAIRMAN. Mr. Humphrey, if the lower class men refused to perform these services which had been officially passed upon by the upper class men as being proper what form of enforcing discipline is resorted to by the upper class men?

Midshipman HUMPHREY. Well, the fourth class man is either given the choice of doing this or fighting; and in fighting he must clearly understand that he will have to defeat every man in the upper class of his weight or under his weight or——

The CHAIRMAN. That means a series of engagements, until he is licked?

Midshipman HUMPHREY. Yes, sir. That was not merely confined to the fourth class, but if a third class man should break a rate and, after his attention had been called to it, would persist in breaking it, he would be forced to fight, too. But I think that the tradition reads that he shall not be forced to fight but once. Then, of course, the best man in the senior class will be picked out. I never have heard of a case where the under class man has not been defeated in the first battle.

Mr. PADGETT. Except the Branch-Meriwether affair.

Midshipman HUMPHREY. That was not a class fight. That was entirely a personal matter, and the combatants were not picked out.

It very often happens that a lower class man will defeat an upper class man; but that was simply a personal matter.

Mr. PADGETT. Just at that point, while I think of it, Mr. Chairman, let me ask him a question, please.

The CHAIRMAN. Certainly.

Mr. PADGETT. Suppose that the lower class man, when challenged to fight, because he refuses to comply with one of these rate requirements, should refuse and assign as his reason that it was a violation of the rules of the academy and the regulations. What would then be the effect?

Midshipman HUMPHREY. Then he would be upheld by the upper class, if he gave it as his reason that it was a violation of the rules of the academy. In other words, a fourth class man can not be told to do anything that he would have to break a regulation to do.

Mr. PADGETT. Is it not a breaking of the regulations to fight, to have a class fight?

Midshipman HUMPHREY. I do not know whether it is or not, sir. About that I should say as I did about the exception of taking food out of the mess hall and bringing the men's meals over. I said I was not clear about that.

Mr. PADGETT. I mean for any cause. Is it not against the regulations to have class fights for any cause?

Midshipman HUMPHREY. It is now, sir; but it is not mentioned in the regulation book.

Mr. PADGETT. Has it not been against the regulations or orders? You sometimes have orders posted on your bulletin boards?

Midshipman HUMPHREY. Yes, sir.

Mr. PADGETT. Or given verbally?

Midshipman HUMPHREY. Yes, sir.

Mr. PADGETT. Is it permissible, under the rules of the academy, to have a class fight for any purpose? In other words, to make it plain, would you have a class fight in the presence of your Superintendent?

Midshipman HUMPHREY. I would not now, no, sir.

Mr. PADGETT. Would you at any time?

Midshipman HUMPHREY. At any time I would never have had it in his presence, sir; but I really would not have cared whether he knew about it or not.

Mr. GREGG. Since when has that been the case?

Midshipman HUMPHREY. Since the Branch-Meriwether case.

Mr. GREGG. Up to the Branch-Meriwether fight you would not have minded the officials knowing that you were having a class fight?

Midshipman HUMPHREY. No, sir; unless it was a class fight over hazing. Of course, if it came about over hazing you would have to investigate it. But, for instance, if my class, the second class, would challenge a third class man to fight, up to that time I would not really have cared who knew about that.

Mr. PADGETT. Suppose the case I gave a moment ago, if the fourth class man should persistently refuse to comply with the requirement of the first class, and he was then challenged to fight and declined to fight, stating that he was not going to break the rules of the academy. He would not be required to fight in that case?

Midshipman HUMPHREY. Oh, no, sir.

Mr. PADGETT. Well, now, the question I want to get at is, Would he not be ostracized by the school—put in coventry?

Midshipman HUMPHREY. I will cite what happened last year, that it may clear that matter up. There was a man who refused to keep a rate. What the rate was I do not believe I remember now; but he was in a class below mine. They were then fourth class men, and we were third class men. We gave—at least I did, because it was up to me; it was my duty to take the initiative—I gave him his choice of keeping this rate or fighting, and he said he would do neither. Then I asked him in plain terms whether he would fight or not, and he said he would not fight. I told him I considered him a coward. His class heard about that and told him that if he did not fight they would ostracize him.

Mr. PADGETT. That is what I wanted to arrive at.

Midshipman HUMPHREY. But not for——

Mr. PADGETT. It was for refusing to fight, was it not?

Midshipman HUMPHREY. It was for refusing to fight; yes, sir.

The CHAIRMAN. Are you through, Mr. Padgett?

Mr. PADGETT. Yes; I believe so.

Mr. GREGG. I do not want to interrupt, Mr. Chairman, but there is one thing that is on my mind and I would like to ask about it now. You stated that if he refused to fight and gave as his reason that it was a violation of the regulations that he would be upheld in it?

Midshipman HUMPHREY. No, sir, I did not. I was not quite sure of the question when I made that answer. I would like to make that clear. There has been no class fights since the Branch-Meriwether affair. If there had been I do not know exactly what would be done under those circumstances.

Mr. GREGG. Up to the Branch-Meriwether fight, I understand, he could not make that excuse, because——

Midshipman HUMPHREY. He could not make any excuse.

Mr. GREGG. He could not make it, because there was no regulation against it, as you understood here, at that time?

Midshipman HUMPHREY. I do not think that that would have made any difference.

Mr. GREGG. Up to that time?

Midshipman HUMPHREY. I do not think anything would have made any difference.

Mr. GREGG. You did not take any excuse?

Midshipman HUMPHREY. No, sir.

Mr. DAWSON. There is one question I would like to ask.

The CHAIRMAN. Very well.

Mr. DAWSON. It appears in the testimony that was taken before the board of investigation that some of the fourth class men have testified that if they did not consent to do this waiting on upper class men that they would be hazed.

Midshipman HUMPHREY. Yes.

Mr. DAWSON. Is that in lieu of the fights? Is it true that if it were only a minor breach of this student code that existed, of calling on him to fight them, they would simply haze him a little—stand him on his head?

Midshipman HUMPHREY. Yes, sir. The code used to be, I think—at least the idea was in trying to justify the code—that they simply held physical hazing, you understand, as a last resort. If a man broke a rate, and continued breaking the rate, he would be physically hazed. Last year when we were pledged not to physically haze him,

if a man continued to break a rate there was not anything to do, and we simply had to have some final punishment, and that was a fight. But that was only resorted to as an extreme measure. It was really a very serious thing.

The CHAIRMAN. Was there any hazing here during the school year immediately preceding the present one while your agreement, which I understand existed with Admiral Brownson, was in force?

Midshipman HUMPHREY. In regard to that, sir, I should say that there was no physical hazing of any kind. Well, there was this ridicule.

The CHAIRMAN. Yes.

Midshipman HUMPHREY. And there were a great many dressings down; and one or two instances when fourth class men were forced to submit a bazoo, etc.

The CHAIRMAN. Yes.

Midshipman HUMPHREY. Well, if I were to call that hazing, sir, it would indicate that I considered the men of these classes to have broken their pledge. I do not consider that they did break their pledge.

Mr. DAWSON. They carried it out as they understood it.

Midshipman HUMPHREY. They carried it out as they understood it; yes, sir.

Mr. PADGETT. The classes all did the running, did they not?

Midshipman HUMPHREY. I do not know what pledges the other classes took. I simply know the pledges my own class took, because I was there at the time and I was on the committee to talk it over with Admiral Brownson. We simply took the pledge that we would discontinue the practice of running and hazing. We used both terms—according to the example set us by the two preceding classes. We gave those words, that we would not do anything to the fourth class men that had not been done to us. That was the status of my class, as regards this matter.

The CHAIRMAN. I was about to ask you how long this agreement with Admiral Brownson was in force.

Midshipman HUMPHREY. It was in force, sir, with my class from about May 15 until the admiral left.

The CHAIRMAN. May 15 of what year?

Midshipman HUMPHREY. It was our fourth class year. That would be 1904. It was from May 15, 1904, until Admiral Brownson left.

The CHAIRMAN. With your class it was in force from May 15, 1904, until the end of the year, when he left?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Was it in force a longer period with the first class of that year?

Midshipman HUMPHREY. It was; yes, sir.

The CHAIRMAN. I understood that commenced at the beginning of the school year, in December.

Midshipman HUMPHREY. That was with the class just above me, and then the class that was two classes above me had taken it a year and a half previous.

The CHAIRMAN. Then it was in force for several years with some of the classes?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. What do you understand that agreement to have been, Mr. Humphrey?

Midshipman HUMPHREY. Well, I understood that agreement to have been, sir, that there should be no physical hazing of any kind. That is my understanding about the agreement—that it was simply that they were to eradicate absolutely any physical hazing of any kind.

The CHAIRMAN. Did they use the word “physical?”

Midshipman HUMPHREY. The word “physical” was not used.

The CHAIRMAN. That was the interpretation that your class put upon it.

Midshipman HUMPHREY. In talking it over with Captain Badger we told him that we did not want to discontinue the rates at all; and he said that what he regarded as hazing was forcing a fourth class man to do a thing that you would not force a classmate to do.

The CHAIRMAN. And you understand that until the commencement of the present school year that was pretty thoroughly carried out?

Midshipman HUMPHREY. It was.

The CHAIRMAN. And that no physical hazing, or scarcely any, unless it was a sporadic case, was known?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. You say this agreement was made by your class about May, 1904?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. How did it first come to your knowledge?

Midshipman HUMPHREY. The agreement?

The CHAIRMAN. Yes.

Midshipman HUMPHREY. A class meeting was called of my class, sir.

The CHAIRMAN. At whose request? Who first came to you about it?

Midshipman HUMPHREY. No one came to me about it. The first I heard of it was at the class meeting.

The CHAIRMAN. A regular class meeting, or was it one called for some specific purpose?

Midshipman HUMPHREY. It was one called for some specific purpose. There was no regular class meeting.

The CHAIRMAN. Then this meeting was called for the purpose of acting upon this proposition?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Where did the proposition come from?

Midshipman HUMPHREY. It came, I think, from Admiral Brownson—Captain Brownson, he was then—through Commander Badger.

The CHAIRMAN. Then the suggestion was made to you from Admiral Brownson, through Commandant Badger, that the class meet and take action upon this request?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Was it a request that he made?

Midshipman HUMPHREY. No, sir; merely a suggestion.

The CHAIRMAN. What was the alternative if the suggestion was not adopted by the class?

Midshipman HUMPHREY. Admiral Brownson mentioned no alternative, and when we had told him that we intended to make this resolution, he called our attention to the fact that no alternative had been mentioned, that there was no alternative.

The CHAIRMAN. Mr. Chantry was in the class above you?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Was it your understanding that members of the upper class, the senior class at that time, or first class, were required to make this agreement, or that as an alternative they should go upon the Chesapeake?

Midshipman HUMPHREY. I think it was the alternative in that case. The only thing that I know is hearsay.

The CHAIRMAN. But in your own class there was no alternative proposed?

Midshipman HUMPHREY. No, sir. We had a pretty clear idea that it would be diplomatic for us to adopt it.

The CHAIRMAN. You had an idea that Admiral Brownson had some alternatives still in his locker, which he had not brought out?

Midshipman HUMPHREY. Yes, sir; to speak very frankly.

The CHAIRMAN. Was your class willing to do that, Mr. Humphrey, or were some of them unwilling?

Midshipman HUMPHREY. No, there were some of them who were unwilling, but the saner thinking people really considered it the best thing. I will say this, though, when Admiral Brownson wished to release us from this pledge there was no effort to again bring it up in a class meeting.

The CHAIRMAN. And to renew the agreement?

Midshipman HUMPHREY. And to renew the agreement among ourselves.

The CHAIRMAN. That is, the class, by voluntary action, did not take it up and send up a proposition to the new superintendent?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. They were willing to let it go out?

Midshipman HUMPHREY. It was talked over, but I never heard from it in a class meeting.

The CHAIRMAN. Mr. Humphrey, will you tell us when and how this agreement went into effect? Was any action taken?

Midshipman HUMPHREY. There was no action taken; no, sir; except down at one of the Naval Academy hops the Superintendent's orderly came to me with the news that Admiral Brownson wished to see me. I found him over on one side of the room, and he said that he had considered that pledge was to him.

The CHAIRMAN. Personally?

Midshipman HUMPHREY. To him personally, since he had suggested it; and that he did not want to go away leaving that pledge here to him personally. But I also discussed with him some other pledges that the class had taken——

The CHAIRMAN. At the same time?

Midshipman HUMPHREY. Well, no; there were two or three pledges concerning——

The CHAIRMAN. Gouging, and what other?

Midshipman HUMPHREY. There was one other pledge we had taken in regard to the integrity of the class; that is, the truthfulness of the class. The point had come up that there were statements being sent in in regard to reports that were really a little bit off color. Admiral Brownson suggested it, and they made an agreement that any man who sent in a statement and tried to excuse himself of something that he had done would have his resignation requested by the class. Of

course I told Admiral Brownson those two pledges were not made to him, but among ourselves, and that he had no power to release us from them, and that we did not want to be released. But the pledge about hazing I took back in the name of the class.

The CHAIRMAN. Then the release came directly from the Admiral to you as the president of the class?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Mr. Humphrey, as a rule, do the men in your class believe in the hazing system?

Midshipman HUMPHREY. The better element of the class do not, sir. I think they believe very firmly in a system by which a senior class man shall be a little bit better than any other classman.

The CHAIRMAN. They believe that would come more under rating, do they not?

Midshipman HUMPHREY. More under rating; yes, sir; but as far as any physical hazing is concerned I should say there have been very few men in that class who have done it; and most of them that have, done it as a joke. There have been one or two cases where it has not been done in the right way; but I think as a rule the men in my class have tried to discountenance any physical hazing that was not more or less of a joke.

The CHAIRMAN. There are some in your class that believe in it as a system?

Midshipman HUMPHREY. I think there are some of them that believe in it as a system; yes, sir.

The CHAIRMAN. What reasons do they give? Do they consider it is for the benefit of the lower class man, or is it for their own amusement? Is it to show the superiority of the upper class man, or is it for all of these reasons?

Midshipman HUMPHREY. They give as a reason, sir, that it is for the benefit of the fourth class man. They give that as a reason, but I think those that do uphold it simply delight in the insect authority, if I may use such a term, that is given them over the fourth class men. I think they are entirely selfish in it. I do not mean to say by that that there are not some of them that are very sincere, and I am sincere myself in this, that the system of rates is beneficial not only to the first class men but also to the fourth class man, because sooner or later in the service we have got to learn that we can not have rank because of family name.

Mr. DAWSON. That is, it is beneficial up to the point where it defines the privileges of the different classes?

Midshipman HUMPHREY. Yes, sir. I think it never hurts a fourth class man any more than it hurts a man of any other class to have a dressing down about some bit of vanity or conceit on his part, or something in regard to his deportment or manners—particularly table manners. I think anything that tends to give a fourth class man or any other class man a military carriage and tends to make him conduct and deport himself in a gentlemanly and military manner is for the benefit of all parties concerned.

Mr. GREGG. Speaking about correcting them for table manners and things of that kind, that is not an assumed authority, is it? Do they not have authority under the regulations to correct a man in his physical appearance or bearing or for his table manners?

Midshipman HUMPHREY. The cadet officers and petty officers have, but what is known by the slang term here as "clean sleeves"—I do not know how better to term them—have not, by the regulations.

Mr. GREGG. In other words, that is entrusted exclusively to the midshipman officers and petty officers?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Well, Mr. Humphrey, in the case of a young man who comes in, and who has not had proper advantages and opportunities to learn table manners, you think it is beneficial to him that those who sit near him and who perceive the deficiencies on his part should call his attention to them in the way which boys have, to the end that he may correct them? You think that is a better system than calling the attention of the cadet officer in charge privately to the matter and permitting him to speak to the young man about it quietly? That is, if the desire is to correct the boy's table manners—and that is a laudable object—the young man, doubtless, owing to lack of advantages, is not aware of his deficiencies——

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Is it not kinder and just as beneficial, to reach the desired end by having the cadet officer in charge speak to him by himself about it and give him an opportunity to correct them, rather than run the chances of wounding his feelings and his sensibilities for deficiencies about which perhaps he is in no way to blame, having had no opportunity to learn better? Would it not be just as effective along that line, and a much better way?

Midshipman HUMPHREY. Yes, sir; it would indeed be a much better way.

The CHAIRMAN. The theory of hazing, as I understand it, and you will know whether you agree with me or not, is that many of the practices of hazing and rating and these other things that prevail are beneficial to the incoming students—the fourth class men—by ridding them of some objectionable feature which they may have picked up, reducing their self-conceit, if they have any, ridding them of objectionable habits, if they have any, to the end that they may better fit into the comradeship of the body of cadet students and into the duties that are assigned them. Those, I think, are set up as the benefits which can come from hazing.

Midshipman HUMPHREY. Yes, sir. I think it would be only an idealist that would presume to assert that hazing was instituted or crept into a place from any such laudable purpose. I think that hazing is extant here and in colleges simply because it started for the amusement of the upper classes; and although I think it has some benefits, I do not think it was instituted for any laudable purpose like that. Still I do think it has its benefits, although its benefits do not by any means outweigh its faults.

The CHAIRMAN. I think your opinion is very sound.

Mr. DAWSON. And very creditable to yourself.

The CHAIRMAN. There are a great number of rules, I see, for the regulation of the cadets here?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Their conduct is regulated almost during every hour of the day in the most minute particular?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. I notice particularly the care with which they are

obliged to put their belongings into the lockers, and that it seems to be a breach of the regulations unless each article is put on the exact shelf where it belongs.

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. In the endeavor to obey all the rules and regulations laid down in this academy, is it not likely that the green boy who comes in with perhaps too much self-conceit or some other undesirable quality will, in the performance of his duty laid down in this book and the ordinary associations with the young men around him, when he reaches his senior year, be pretty well rid of them?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Do you think, Mr. Humphrey, or do you not think, that it is a dangerous practice which always, wherever it has been tried, leads to excesses and to the injury of the lower class men, where you put into the hands of all the members of a class—hundreds of boys of every temperament, some discreet and some not, some prudent and some not—where you put into their hands the power to physically exercise or haze another man?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. So that in the end, while if we could be sure it would be done with the utmost discretion it might be beneficial in some particulars, it is almost always sure to lead to disaster and to excessive injury to the lower class men.

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Mr. Humphrey, are you familiar enough with the feelings of your fellow class men to be able to tell the committee, and through the committee the Congress and the people of the United States, what their opinions are upon hazing; what their intentions and purposes are as to hazing while they remain in the academy?

Midshipman HUMPHREY. Yes, sir; I think I can. I will try. I have tried very hard to study my classmates since I have been here, and I have formed the highest opinion of most of them. I think the saner men, the men who would naturally lead a class, are all prejudiced against hazing. In other words, I think if they could they would abolish hazing, and I think if we are allowed the opportunity we can abolish hazing in the same way in which hazing crept in. If the senior class here can get together and say there shall be no more hazing, there will be no more hazing of any kind at all, and I think if my class is given the opportunity it would do that. I do not think that—well, I want to speak frankly with you.

Mr. GREGG. You will be protected all along the line.

The CHAIRMAN. We want you to feel that you can speak with all frankness, and if there is anything in your evidence which we think would be harmful in any way we will strike it out.

Midshipman HUMPHREY. I think when the board of investigation was going on here there were a great many of those men who had done the most hazing, and who had therefore approved of hazing, who were the most anxious to discontinue it, because, they thought, if the class did that, you see, Congress would be more disposed to deal lightly with them. I think that six weeks ago or eight weeks ago it would have been easy—a great deal easier—to abolish hazing than it is now, because fear is a very strong motive with some people, and I think the first fright is a little bit passed and they are getting steadied down. Probably they are just as much in danger now of dismissal,

but they have been living on the edge of this crater so long now that they have become used to it, and I think there are men now opposed to it who six weeks ago would have cried the strongest for it. But, I still believe that if my class is given the opportunity it will abolish hazing, root and branch, in such a way that it will never creep in again.

Mr. PADGETT. In what way do you want that opportunity?

Midshipman HUMPHREY. I simply wish to be allowed to call a class meeting and discuss the matter, and discuss it freely. Then, if they decide, as I am confident they will—well, you can not be sure of anything, particularly as regards the opinion of a body of people—but I think if they are allowed to discuss it freely there would be no doubt that they would send out a declaration, as from the first class to the under class men, that there will be no more hazing, and that they would enforce that. If my class would decide this, and an official representative of the first class would go to the fourth class and tell them that they were no longer to submit to anything in the line of hazing, the first third class man who came in to say anything to them would be promptly put out of the door. I think the way to abolish hazing would be for the first class to declare it off, and make the fourth class men understand that they were to protect themselves, and I think they would. I know they would, because they are Americans, and the only reason they submit to this is because they feel it is——

Mr. DAWSON. Unwritten law?

Midshipman HUMPHREY. The unwritten law, and the first class is a law unto itself. When the first class declares that unwritten law repealed, being Americans, they would be the first to protect themselves. I think in that way—I do not know how long my class will be here—the thing will be so completely rooted out that no other class can ever take it up again.

The CHAIRMAN. Do you know that the cadets at West Point took that action five years ago; that there was a voluntary declaration on their part against hazing, which, I think, has always been kept since?

Midshipman HUMPHREY. No, sir; I do not.

The CHAIRMAN. It might not be out of the way for me to say to you, and through you to your class, that so far as we can learn Congress is very strongly opposed to the practices called hazing which have grown up in Annapolis. It is contrary to the law of the land, and it is not considered creditable to the young men who are preparing themselves to enter the service of the United States and enforce the laws of the country to begin it by violation of those laws during their term in the academy. I think you know yourself that the people of the United States are very strongly opposed to it. As it stands at present, you are no doubt familiar with the law which requires that in case of hazing at this academy, or at West Point, the cadet accused of hazing shall be brought before a court-martial, and, if convicted, shall be forthwith dismissed from the institution. That is the way the law stands at present. That is the law which stands at present before every boy in this institution to whom hazing can be traced. It means that, if that law is to stand, it will turn out every boy against whom hazing can be proved, whether there be 10 boys or 200 boys, or every student in this academy.

Midshipman HUMPHREY. Well, sir——

The CHAIRMAN. Let me conclude, please. It is the opinion of the committee that Congress, and through Congress the people of the United States, would like to know, if they can, the opinion which the classes here now have upon the subject of hazing. Of course, along with their opinion, I think Congress, at least, would be glad to know the intentions of the young men here as to whether they intend to obey the law or whether they do not. This committee would be glad to be informed upon those points, if it can be. You have already given us your opinion, and the committee considers it very creditable to you, and, so far as you know, it is the opinion of your class. If, before the committee adjourns its hearings, you can give us any further and more exact information concerning your class upon this question of hazing, we would be very glad to receive it.

Midshipman HUMPHREY. I should like to have a chance to say exactly what our opinions are, sir.

The CHAIRMAN. Yes.

Midshipman HUMPHREY. We are more than glad to have this chance to say it, because I think it is due to us. We know we have done wrong, yet we feel that we would like to have a hearing that would be direct, and I would like to give our opinion to the committee.

We came here, most of us, very young. It was probably our first time away from home, and we did not have very much experience. We did not know really how much we owed to Congress and how much we did not owe to Congress. We came in in this way, and we let matters drift. We fell into the rut which existed here. We were not responsible directly for it. We did not encourage it, but we allowed ourselves to drift into this rut. This matter has now been brought to a head. We have read the opinions of Congress and the opinions of the people at large, and we have come to a realization that we have been absolutely and altogether wrong. We realize, each and every one of us, that we owe to Congress the thing that we hold dearest in the world, our chance to serve the United States, and we have come to the conclusion that we have voluntarily and most foolishly jeopardized that which is dearest to every one of us, the chance of serving the grandest Government in the world. We feel that we have done wrong, but we are sorry, and we would like to have another chance. That is the way we feel. We feel that we have shown ourselves not only incompetent in the profession that we have chosen, but that we have shown ourselves most ungrateful, owing what we do, our careers, to Congress. We would like to show Congress first, and then the American people, what we can do. My class has been here almost three years now, and, although they have done some wrong, and a good deal of wrong, in continuing this practice of hazing, we feel that we have done some good. The course here is a most rigid course, and every man who is as high as second class has worked hard for his position, and we feel that we do not want the Congress or the American people to lose sight of some of the good that we have done, or of the great wrong that we have done. Possibly we have hazed—we have hazed and have countenanced the practice of hazing—but we feel that that fact does not preclude us from making good naval officers if we determine henceforth to do better. We are going to do right hereafter, every man—not every man, because it is said that opportunity only comes to a man once in a lifetime. But we feel that if Congress would be generous enough to give us another

opportunity, we will show them that we can do better. We have been wrong, but we will do better in the future and we will do well. We have worked hard for three years to fit ourselves for the service of our country, and we feel that if we were to lose that opportunity—to me it would be the hardest blow I could receive. I know that every man in my class feels the same way, that he has worked hard these three years, and at the age of 20 that seems a long time. We feel that we are almost on the eve of going out into the service of our country, and that if all this work should be lost because of something that we have been very foolish about, it would be a very hard blow, and we ourselves assure you and can prove to you that hazing will be no more.

The CHAIRMAN. Yes, sir.

Midshipman HUMPHREY. I would like to say, sir, that if my class is given this opportunity I am sure that, as a class, they will utter the same sentiments exactly. So far as hazing is concerned, as the senior class, I know we can stamp it out root and branch, and it is my confident belief that we will do it if we are given the opportunity.

I certainly compliment the judgment of Admiral Sands, the superintendent of this place, in stamping out hazing himself, because he is put here to do it. He is in authority. It would hardly be compatible with military discipline for him to call on his subordinates to help him in this matter. We feel that hazing has not grown up with the consent of the authorities or with the volition of the authorities, but it has grown up. The only way to cure it is to attack it in the way it has grown up. It is in our power to do that, and we want to do it.

Mr. GREGG. You say if you have the opportunity. Have you been denied the opportunity of having a meeting on this subject?

Midshipman HUMPHREY. In regard to that, Mr. Grady, the president of the class preceding mine had a talk with Admiral Sands, but Admiral Sands denied him that meeting, because Mr. Grady, I think, did not go about it in exactly a military manner. Not that I wish to criticise Mr. Grady at all, but I think he was a little tactless, if I may use that expression. I think he wished to make a condition with the superintendent, that the superintendent would recommend leniency to Congress if his class would do this thing.

The CHAIRMAN. The admiral has been before us, and his evidence is public matter which you can read when it is printed, so there will be no harm in telling what we understand his position to be, namely, that he, as the superior officer and superintendent of this academy, should not call together the young men under his charge and subject to his authority and make any agreement——

Midshipman HUMPHREY. Yes, sir; that is right.

The CHAIRMAN. As to carrying out the law, which we are all bound to obey.

Midshipman HUMPHREY. Of course.

The CHAIRMAN. I may say, in behalf of the committee, that we are inclined to approve of that position.

Midshipman HUMPHREY. Of course; it should be approved of.

The CHAIRMAN. But I think you would find, if the young men voluntarily (not in the nature of an agreement, but merely as a communication of their opinion and frame of mind about it) would come to some conclusion on that subject, he would be very glad to know

that the young men themselves were setting their faces against it, and assisting in carrying out the authority of the academy.

Midshipman HUMPHREY. I am sure he would. Therefore I wanted to make it plain that this right had been denied to the class above us. But my class would like to have a chance of having a meeting, and of discussing things, and discussing things fully. We wish to make no conditions at all. We simply wish to show Congress and the American people that we want to do right, and we feel that although we deserve no leniency, possibly if we did so Congress would be disposed to deal more leniently with us.

The CHAIRMAN. I think if an application were made for that purpose it would not be refused. I feel very sure it would not be.

Mr. GREGG. You might state, Mr. Chairman, that if they needed it they would have the benefit of our approval in making their application.

Mr. PADGETT. I suppose that would be from the admiral.

Mr. GREGG. He certainly would throw no obstacle in the way, to keep them from having a meeting.

Midshipman HUMPHREY. I think there would be no doubt at all of the absolute willingness of the admiral to let us have that meeting; but we have all of us just been through a very rigid examination, and very few of us know exactly where we stand. I can not say that we have had a time in view for holding this meeting, but we have been discussing hazing ever since it has been brought so clearly to our minds how wrong such a practice was. I think now, if Congress—well, I think Congress would like to have a declaration on our part to show them that we are not so ungrateful as we appear to be. I think we will do that, and I think we will have no trouble in doing it. I know, as you say, it is hardly the thing for inferior officers to try to make conditions with a superior, and I think Admiral Sands is absolutely right in what he has done.

The CHAIRMAN. You would not expect a colonel of a regiment to draw his men up in line and ask them if they would obey the orders which he gave as their superior officer?

Midshipman HUMPHREY. Not a bit of it; no, sir.

The CHAIRMAN. I am unable to escape the conclusion that upon that point Admiral Sands is absolutely correct, as an officer.

Midshipman HUMPHREY. Absolutely; yes, sir.

The CHAIRMAN. The young men have already taken the oath to obey the regulations; but that does not mean that any voluntary action on the part of these cadets which would be an expression of their opinion and of their intention, and which would perhaps be primarily intended as information for this committee and for Congress, would not be very acceptable to him. I think he would be glad to know it.

Midshipman HUMPHREY. I meant in no manner to criticise the action of Admiral Sands. I can see myself the good he has done for this place. Everything he has done has shown that right along. The brigade, as it stands to-day, has better discipline by 1,000 per cent than when I came. The cadets feel that Admiral Sands has done a great deal for this place. When he came here, there were a great many old traditions that were contrary to the regulations, and, as you know, a man can not serve two masters. To obey the regulations under some conditions, by reason of these traditions,

meant almost social ostracism. He has turned that out, root and branch, and now a man can do his duty without fear or favor, which he could not do before.

The committee, at 1 o'clock p. m., took a recess until 1.30 o'clock p. m.

After recess the subcommittee reassembled at 1.30 o'clock p. m., Hon. E. B. Vreeland in the chair.

**STATEMENT OF MIDSHIPMAN CHURCHILL HUMPHREY,
U. S. NAVY—Continued.**

The CHAIRMAN. Mr. Humphrey, the understanding with Admiral Brownson, as interpreted by the class, was that the agreement referred to physical hazing.

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. The disciplinary officers of the academy are four in number, I think?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Under the command of the commandant of cadets?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. They are the ones who come directly in contact with the students—the midshipmen?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Do you know whether hazing in any of its forms was encouraged by any of the officers?

Midshipman HUMPHREY. Why, to my knowledge there was nothing of that kind ever brought up. I think it may have been that several of them expressed the opinion that hazing might be a good thing if it were not carried too far, but Congress can not entrust it to midshipmen without carrying it too far; but that if it were carried on within proper limits, and were not forbidden, it might be considered to be a good thing. I have heard several express such an opinion as that, but I know of no direct case of such hazing. There are a good many rumors and hearsay reports that go about here, sir, to the effect that officers have countenanced hazing, but they are all so very vague that I have never paid any attention to them.

The CHAIRMAN. Do you know of any instance of hazing having taken place in the presence of an officer?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. At the mess hall, all of the student body, the midshipmen, have their meals together?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. In a very large hall?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. How many of these disciplinary naval officers are there?

Midshipman HUMPHREY. One.

The CHAIRMAN. Only one?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. How could the practice of sending fourth class men under the table prevail and escape the attention of the officer in charge?

Midshipman HUMPHREY. Very easily, sir. It is an immense mess

hall and the officer in charge really could not supervise more than four or five tables. There must be more than one hundred, and he could not see the end tables at all.

The CHAIRMAN. Is there a good deal of noise caused by conversation, rattling of dishes, and by the waiters about the room?

Midshipman HUMPHREY. Yes, sir; it is absolutely deafening. You can not converse at the table except to the man next to you, and you can not converse at all in an ordinary voice.

The CHAIRMAN. Then the boys who are directed to repeat the headlines in the papers, and do such things at the table, could do that without fear of detection by the officer in charge?

Midshipman HUMPHREY. Yes, sir; without any fear at all.

The CHAIRMAN. How many naval officers are in Bancroft Hall?

Midshipman HUMPHREY. Only one is stationed there all the time, the officer in charge, who is one of the four disciplinary officers; but each of the four disciplinary officers has his office in Bancroft Hall and has certain hours when he is in his office; and the commandant is there and the senior assistant to the commandant.

The CHAIRMAN. One of these officers, when he is on duty, is there for a full day?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. And the others, while they have offices there are absent performing other duties?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. How many floors are there in Bancroft Hall?

Midshipman HUMPHREY. Four, and the ground floor, sir.

The CHAIRMAN. How can cadets, for instance, fight in the rooms, or have forms of hazing that are noisy, without having it come to the attention of the officer in charge?

Midshipman HUMPHREY. The building is such an immense one, sir, that the officer in charge will pass probably each locality once during his tour of duty. He could not inspect the whole building, and there is always, during the recreation hours, some noise—quite a little noise about the building—and particularly in the rooms there is a great deal of skylarking, overturning of furniture, and that sort of thing.

The CHAIRMAN. Did most of this hazing in the rooms take place during the recreation hour?

Midshipman HUMPHREY. Well, in regard to hazing in the rooms, I do not know, because I never saw but one instance of that since I have been an upper class man. That did take place in recreation hours.

The CHAIRMAN. Where did the hazing usually take place?

Midshipman HUMPHREY. I suppose in the rooms, sir, and some at the table—very little.

The CHAIRMAN. Are those two places about the only places where it could be performed without public observation?

Midshipman HUMPHREY. Yes, sir. I might say that hazing could be very easily carried on within the building without the knowledge of the officer in charge, because it did not come to even my notice, and I was an undergraduate midshipman. All the time that I have been back from leave, I do not think I have seen a case of physical hazing. I can not remember of one now.

The CHAIRMAN. It is your opinion, I understand, that the disciplinary officers of the institution had little or no knowledge of hazing, the practicing of hazing, that was going on?

Midshipman HUMPHREY. No, sir; I can not form an opinion of that.

The CHAIRMAN. I do not mean the rating, but I mean the physical forms of hazing—standing them on their heads, and those things.

Midshipman HUMPHREY. I do not see how they could have known of it, sir, because I feel sure if they had found any physical hazing they would have reported it. I think it must have been noticed in the mess hall that the fourth class men sat up straighter, and did not talk; but that was not so very apparent at those tables around the officer in charge. I think there was very little said to the fourth class men there.

The CHAIRMAN. Would that be rating or hazing?

Midshipman HUMPHREY. I should say that not talking at the table would be rating, because if everybody talks nobody can talk; and the matter of sitting up straight—well, that may be more a form of hazing, it would seem to me.

Mr. DAWSON. May I ask one question about the mess hall?

The CHAIRMAN. Of course.

Mr. DAWSON. Does the officer who is on duty in the mess hall at meals simply take his place at the table in the center of the mess hall and stay there, or does he go up and down?

Midshipman HUMPHREY. He goes up and down very occasionally. I think I have seen two instances of that this year. He sits at the staff table, in the middle of the room.

Mr. DAWSON. He eats his meals there?

Midshipman HUMPHREY. Yes, sir; he eats his meals there.

Mr. GREGG. Would it have been possible for him to have done that and not seen that sitting up at the table, the way the fourth class men were compelled to sit up?

Midshipman HUMPHREY. In regard to that I could not say. I know that when he did pass down the mess hall once or twice the word was always passed from table to table to tell the fourth class men to sit back; but I have never sat at the staff table, so I really would rather not express my opinion on it.

The CHAIRMAN. Then, generally, so far as your knowledge and observation have gone, there was no knowledge on the part of the naval officers that hazing was going on?

Midshipman HUMPHREY. Nothing; except these very vague rumors that would come through a dozen hands.

The CHAIRMAN. As to their opinion?

Midshipman HUMPHREY. No; as to some instances.

Mr. PADGETT. What were those instances?

Midshipman HUMPHREY. I hear of one rumor, but it came through so many hands that I did not pay any attention to it—that Mr. Wiley—Lieutenant-Commander Wiley—had seen several fourth class men come out of a second class man's room. I believe the second class man was Mr. Rhodes—I can not be sure at all—and he had stopped and questioned them. That is all I heard. I paid no further attention to it. Then I also heard, which is merely another rumor, an instance in September, where Lieutenant Buchanan, who was then officer in charge, had come across a similar group. But they were all so very vague that I simply repeat them because I was asked to. I do not put any credit in them myself.

Mr. GREGG. Who was the other officer?

Midshipman HUMPHREY. Lieutenant Buchanan.

The CHAIRMAN. Lieutenant-Commander Wiley is not here any more, is he?

Midshipman HUMPHREY. Lieutenant-Commander Wiley is one of the discipline officers.

Mr. GREGG. Is Buchanan here now?

Midshipman HUMPHREY. Yes, sir; he is attached to the ordnance department.

Mr. LOUD. I want to ask you how many class fights have taken place, so far as you remember or can estimate, during the present year?

Midshipman HUMPHREY. None, sir.

Mr. LOUD. None?

Midshipman HUMPHREY. No, sir; none.

Mr. LOUD. I mean during the present school year?

Midshipman HUMPHREY. Yes, sir.

Mr. LOUD. That is, since actual physical hazing has come in class fighting has dropped out to a considerable extent?

Midshipman HUMPHREY. Yes, sir; it has.

Mr. LOUD. May I ask you how many class fights took place in the last year when there was no physical hazing—about?

Midshipman HUMPHREY. Well, we had one that was an actual class fight, and one that arose over a class matter—that is, my class and the class above me. There was one, I think. Then there were fights which were not class fights, but quite a number of them which would arise from difficulties.

Mr. LOUD. What I have reference to are fights that took place between members of the fourth class and members of your class when you were then in the third class.

Midshipman HUMPHREY. One; or you could practically say two, sir.

Mr. LOUD. There were a great many more fights than that that took place during the year?

Midshipman HUMPHREY. Yes, sir.

Mr. LOUD. Most of them, then, were for personal reasons?

Midshipman HUMPHREY. Yes, sir.

Mr. LOUD. There were only two fights in which fourth class men and third class men engaged?

Midshipman HUMPHREY. Oh, no, sir. What we call a class fight is where a fourth class man is defeated and will have to fight again. A personal fight may be between members of any two classes.

Mr. LOUD. What I have reference to is the fights in which the fourth class man is put against a member of the third class chosen by the president.

Midshipman HUMPHREY. There were only two.

Mr. LOUD. In all other cases they fought as between the two men who had the difficulty?

Midshipman HUMPHREY. Yes, sir; who had the original difficulty.

Mr. LOUD. How many were there altogether between members of the fourth class and members of the third class? How many, as near as you can remember?

Midshipman HUMPHREY. I should roughly estimate it, sir, as between seven and ten. I think, if I had time, I could probably think them out.

The CHAIRMAN. During the year, is this, Mr. Loud?

Mr. LOUD. The last academic year, when he was a third class man. Recalling the fact that one of the upper class men from my own State disclosed the fact that he had been referee in 19 fights during his stay here, does not that indicate that there was quite a large number of fights?

Midshipman HUMPHREY. Yes, sir; I counted it up with him. There have been over 40 fights since he had been here, and over 30 since I have been here.

Mr. LOUD. You say there were how many between members of the fourth class and members of the third class last year?

Midshipman HUMPHREY. I should roughly estimate it at about even.

Mr. LOUD. Were any of those fights in which the fourth class man won?

Midshipman HUMPHREY. Yes, sir. Mr. Meriwether defeated a Mr. McGill in my class.

Mr. PADGETT. Did Meriwether have to fight again?

Midshipman HUMPHREY. No, indeed; this was purely a personal matter. I think in the others, the upper class men almost invariably got the decision. They are not all of them clear in my mind.

Mr. PADGETT. It is a general fact that there were about 40 fights while Mr. Fitch was here, and about 30 fights while you were here?

Midshipman HUMPHREY. Yes, sir.

Mr. PADGETT. And only 7 or 8 of those fights out of 30 were between fourth and third class men?

Midshipman HUMPHREY. Yes, sir.

Mr. PADGETT. Were those between fourth class men and third class men from purely personal reasons, for breaking the rates, or some class matters?

Midshipman HUMPHREY. Two were from breaking of rates, and the others were purely personal reasons.

Mr. PADGETT. In these 30 fights, in your recollection, were any of the men taken to the hospital?

Midshipman HUMPHREY. Almost invariably one or both of them went to the hospital, sir.

Mr. PADGETT. Do you know what reason they assigned when they went to the hospital for going to the hospital?

Midshipman HUMPHREY. I do not think——

Mr. PADGETT. I mean what cause would they give?

Midshipman HUMPHREY. I do not think they would assign any reason. I think it was just taken for granted that the reason was self-evident, sir.

Mr. LOUD. I would like to ask one more question. Was there not a feeling that they would be taken care of in the hospital without any report being made?

Midshipman HUMPHREY. Yes, sir.

Mr. LOUD. As a matter of honor between the surgeon and the boys—that they would be protected?

Midshipman HUMPHREY. Well, sir, I think everybody that went there was perfectly sure that there would be nothing further developed.

Mr. DAWSON. That it would not be reported?

Midshipman HUMPHREY. That it would not be reported.

The CHAIRMAN. The doctors must stand pretty high in the estimation of the boys.

Mr. GREGG. They have great confidence in the doctors, at least.

The CHAIRMAN. The next thing I have down here is as to the practice when a boy is injured from fighting or hazing and goes to the doctor, which you have already answered, namely—but before asking that, I suppose unless the injury is somewhat serious they do not go to the doctor; in case of fighting, I mean?

Midshipman HUMPHREY. Yes, sir; they generally do. Most of the casualties in fights consist of broken knuckles, or sprained wrists, or something of that kind.

The CHAIRMAN. For a mere black eye, or a cut lip, unless it requires stitches or something of that kind, they would not call upon the doctor?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. It would be only in case the doctors' services are needed to sew up a cut or mend a broken bone?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. So I assume that a majority of the cases of fighting would not go to the hospital?

Midshipman HUMPHREY. Except for these sprains, sir. In nearly every fight one or both of the men went over next morning to have iodine put on a sprain, or a bandage put on, but they do not have to enter the hospital. They were not laid up in bed.

The CHAIRMAN. Do you know whether they make a record of it if there is merely iodine to be put on a sprain or painted over?

Midshipman HUMPHREY. I think they do.

The CHAIRMAN. Every case that goes into the hospital must be entered in the books?

Midshipman HUMPHREY. Yes, sir; I think so.

The CHAIRMAN. You say you think a majority of them come to the hospital. Is it necessary for a majority of them to come, in order to have their injuries treated?

Midshipman HUMPHREY. Either to have their injuries treated or to rest up. Of course fighting is a most violent physical exercise, and next day the combatant is very stiff and sore in his muscles. He can hardly move and it is really necessary that he should have two or three days' rest, not so much from any injuries he had received, but from the physical exertion.

The CHAIRMAN. And unless he comes to the hospital he can not get any rest?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. He could not stay in bed in his room?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. So it brings most of them to the hospital?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. So the conclusion from that would be that most of the cases of fighting do come to the hospital?

Midshipman HUMPHREY. Yes, sir.

Mr. DAWSON. Did either of these two class fights, of which you spoke as happening in the last academic year, grow out of hazing, do you remember?

Midshipman HUMPHREY. The reason assigned for the first one, that of Mr. Meriwether, was simply for a general disregard of rates. He was not sufficiently respectful. There is a certain amount of respect that is demanded. The other one was a case of a deliberate

refusal, I think, of a fourth class man to tell a story. He was told to tell a story—that he need not tell a smutty story, you know—but he had to tell a story, and he deliberately refused.

The CHAIRMAN. You were under pledge not to physically haze him, so the only other method of enforcing the orders was by a fight?

Midshipman HUMPHREY. Yes, sir; but that was not really a class fight, because he concluded to keep the rate, or at least to do what he was told, but his own class told him, having gone so far, that if he did not fight he would be ostracized.

The CHAIRMAN. These fights generally take place in the rooms, do they?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Are they fights to a finish?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. How many men are concerned in the fights directly?

Midshipman HUMPHREY. You mean including the officials as well as the principals?

The CHAIRMAN. Yes, sir.

Midshipman HUMPHREY. They have a referee, a timekeeper, and each man has either one, two, or three seconds.

The CHAIRMAN. Do you have any sentinels posted out?

Midshipman HUMPHREY. No, sir; I can not remember any case where there were. There have been cases where there has been a man of a senior class present to keep out intruders.

The CHAIRMAN. Do you use any gloves in these fights?

Midshipman HUMPHREY. As a general rule the practice has been to use gloves.

The CHAIRMAN. How heavy are they?

Midshipman HUMPHREY. They are very light gloves. They are simply used as a protection to the knuckles.

The CHAIRMAN. Are the Marquis of Queensbury rules adhered to in these fights?

Midshipman HUMPHREY. Yes, sir; except as to the time limit of the rounds. And the Marquis of Queensbury rules, as I understand it, permit of striking in clinches.

The CHAIRMAN. Yes.

Midshipman HUMPHREY. There is a rule that prevails for clean breaks and no striking in clinches.

The CHAIRMAN. About what hour of the day do these fights generally take place, as a general rule?

Midshipman HUMPHREY. As a rule, during supper formation.

The CHAIRMAN. While the remainder of the midshipmen are down at supper?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. With your knowledge of the disciplinary organization here do you think, it would be possible, or do you not think it is so, that if the officers really wanted to find out who had been fighting they would have had no particular trouble in doing so?

Midshipman HUMPHREY. No, sir; I think they would have had no trouble at all if they really wanted to find out. I know of several cases where they did run across them—that is, ran across——

Mr. GREGG. What is that? Please develop that.

Midshipman HUMPHREY. It was actually found out. I remem-

ber last summer on the practice cruise there was a fight on the fore-castle of the *Atlanta*. It was stopped, and the men were reported.

The CHAIRMAN. Mr. Humphrey, if rating was done away with—the principal forms of rating—would not that pretty well do away with clast fighting?

Midshipman HUMPHREY. Yes, sir; I think it would.

The CHAIRMAN. I think you told us that class fighting resulted from the refusal of the lower class men to obey the directions of the upper class men?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. What is the feeling of your class about class fighting? I do not mean a personal, accidental encounter between two men who have some difference, but I mean the selection of an upper class man, where they are pretty sure he will whip the lower class man. Do they think that is just the fair thing?

Midshipman HUMPHREY. In regard to that, sir, we do not consider that that would be just the fair thing. You see the choice devolves upon myself, so I never selected a man.

The CHAIRMAN. Does it not look to the members of the class as severe and a little unfair perhaps—almost cowardly perhaps—to put against a fourth class man who comes here without practice or knowledge of how to defend himself, who has never had an opportunity to learn, some seasoned upper class man selected for his skill and knowledge of fighting, so that the young man really has very little chance and is almost sure to be whipped? Does it not occur to the members of your class that that is hardly the fair and manly way?

Midshipman HUMPHREY. It certainly does, sir; and for that reason I never would select a man to defend the class.

Mr. GREGG. You never would select one to do the fighting?

Midshipman HUMPHREY. No, sir; I always did it myself.

The CHAIRMAN. If you were to bring the matter of hazing to the attention of your class, for such action as it wishes to take, do you not think it would be willing to include class fighting?

Midshipman HUMPHREY. Yes, sir; I do.

The CHAIRMAN. I think the opinion of the people and the sentiment of Congress that I have heard expressed is that it strikes the average man as savoring very much of cowardly, unfair practice.

Midshipman HUMPHREY. Yes, sir; and I am perfectly in accord with that.

The CHAIRMAN. Personal differences may arise among men anywhere, and with young men that is more likely to be the case than with older men.

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. And in anger men may have personal encounters; but the deliberate selection of a class man, tough and seasoned and experienced, to be pitted against a green boy strikes the people outside as being rather a cowardly practice.

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. I think the committee would like to know the opinion of your class upon that subject if it can be ascertained.

Midshipman HUMPHREY. Yes, sir. But I would like to say, gentlemen, that that is not as black as it is painted. We have got the credit for doing something there that we have not done, and that is

simply this. The young class man knows perfectly well that he is going to be opposed to a trained fighter if he does break this rate. The rates that he has to keep, in some cases, have not been right; but in most cases there is nothing in it that would humiliate any man, such as keeping off a certain bench or off a certain walk; and if a man deliberately, knowing that he has to fight a seasoned fighter, will step up and sit on a class bench when he has no right to be there, why the man has almost brought it on himself.

The CHAIRMAN. He invites a catastrophe?

Midshipman HUMPHREY. Yes, sir. That is pure bravado on his part in most cases. There has been grand stand plays of that kind where a fourth class man likes a little bit to play to the gallery, but it is not confined to the fourth class. Perhaps a third class man likes to play a little to the gallery, and so he will refuse to recognize a second or a first class rate, knowing that he will have to fight this seasoned fighter. There is a great deal of hero worship in the academy, and a great deal of hero worship for physical courage. Very often a bit of foolish bravado of that kind appears as physical courage, and a man will do that for the same reason that people will jump off of the Brooklyn Bridge. But I perfectly agree with you, sir, that class fighting should be stopped. There should be some other method of settling difficulties.

The CHAIRMAN. How many cadet officers are there in the mess room?

Midshipman HUMPHREY. Of cadet officers and cadet petty officers, roughly speaking, there are about 150.

The CHAIRMAN. An ample number to supervise thoroughly the proceedings that take place?

Midshipman HUMPHREY. Yes, sir; two at each table.

The CHAIRMAN. There could be no excuse, I suppose, that the cadet officers do not see the practice of sending men under the table and putting them on their heads between the tables?

Midshipman HUMPHREY. No, sir.

The CHAIRMAN. That would also be true, I suppose, about breaches of the regulations and discipline in Bancroft Hall—that the cadet officers, or at least most of them, know of them?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. No reports were made of these breaches of discipline during the present school year or during this period of hazing that we are talking about?

Midshipman HUMPHREY. No reports of either hazing or fighting, if that is what I understand by breaches of discipline.

The CHAIRMAN. Yes, sir; What violations of the regulations have these petty officers reported, if any?

Midshipman HUMPHREY. They have reported just about everything else, sir; just about every other breach except that I never have known them to report a breach of the regulation of drinking. I never have known that to be reported, but I think everything else in that blue book has been reported at sometime or other by the cadet officers.

The CHAIRMAN. You think, as a rule, that the cadet officers have reported offenses against the regulations outside of those arising from hazing and rating, and you make one further exception, and

that is drinking. You think beyond that they have generally reported offenses against the regulations and the violations of them?

Midshipman HUMPHREY. As a rule they have either reported them or suppressed them. Before Admiral Sands came here and to just a small extent now there was a little prejudice against reporting a classmate for a breach of the regulations, but that is practically done away with now.

The CHAIRMAN. A sort of code of honor had grown up among the students that their duty in protecting their classmates was greater than their obligation as cadet officers to report violations?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. That would, I think, about cover it, would it not, in respect to these matters?

Midshipman HUMPHREY. Yes, sir; I think so.

The CHAIRMAN. If the classes themselves put their faces against hazing and discountenanced it, would that have the effect of causing the cadet officers to report violations consisting of hazing the same as they would other violations?

Midshipman HUMPHREY. I think, sir, that they would make every effort in their power first to suppress it and absolutely suppress it, and if they saw that they were unable to suppress it they would report it, I believe. But I know they could suppress it without reporting, and I think that is the course that in all probability they would take, because it would be an awful temptation to a man to neglect his duty when he knew that by doing his duty he would cause the dismissal of another midshipman. There could not help but be a little of the schoolboy ethics still, but I think hazing would be absolutely suppressed. I think if they saw that they could not stop it and stop it entirely, they would report it. I think there is no doubt about that at all. I think if it was just one case, they would rather suppress it than to report it, but I know that if the classes set their faces against it there would be no hazing, because if an upper class man would go into a fourth class man's room and tell him to go on his head and the fourth class man would tell the upper class man to get out of the room, there would be just a deadlock right there.

The CHAIRMAN. And he would be upheld in it by the public opinion of the midshipmen?

Midshipman HUMPHREY. Yes, sir; and if an upper class man said anything to a plebe smaller than himself he would be a coward, and if the plebe was larger than himself he would get licked.

The CHAIRMAN. I notice that hazing has been done to some extent by the senior class here during the last six months. Is not that against the tradition of hazing itself in the academy?

Midshipman HUMPHREY. It always has been, sir, but I think very probably it was simply a natural effect. The first class—that is the class that just graduated—never were allowed to haze, and when they finally got to their first-class year and were allowed to haze they were not like a boy who has rubbed the paint off his toy, but they were like a boy with a perfectly new toy.

The CHAIRMAN. They were hastening to obtain some of their rights before they went away.

Mr. PADGETT. What do you mean by the expression that they had not had the right to haze, and that they came into their rights to haze in the last year?

Midshipman HUMPHREY. I don't know. Did I put it in that way? I was wrong in my expression. What I meant was that they were pledged not to haze. I did not mean that they had any right to haze, except just by the right of tradition. They were pledged not to haze.

Mr. PADGETT. You simply have reference to the release of that personal pledge that they had given?

Midshipman HUMPHREY. Yes, sir; to Admiral Brownson.

Mr. PADGETT. And that they gave more credit to the traditional right to haze than they did to their obligation to obey the regulations?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. Judge Gregg desires to ask some questions, I believe.

Mr. GREGG. I only wish to ask one or two. During this last scholastic year, we will call it, prior to the Branch-Meriwether affair, what regulation, order, or instruction was promulgated among the midshipmen to prevent hazing, if any?

Midshipman HUMPHREY. I do not think I know of any, sir, this year, except——

Mr. GREGG. Have you any reason to believe that prior to the Branch-Meriwether affair the officers, or any of them, knew, or by the use of reasonable care might have known, that hazing in any of its forms was being practiced?

Midshipman HUMPHREY. No; all I can say about that, sir, is that they knew—at least I think they knew—that the class had been released from its pledge by Admiral Brownson, and they knew that hazing was the old tradition at the Naval Academy. Further than that I could not make any statement at all.

Mr. GREGG. You think, then, that the disciplinary officers here knew that the class had been released from that pledge by Admiral Brownson?

Midshipman HUMPHREY. Yes, sir; because I remember that I myself told the commandant of midshipmen that we were released from that pledge.

Mr. GREGG. What commandant was that?

Midshipman HUMPHREY. Captain Colvocoresses. I told him that we had been released from that pledge, and I remember that he said at the time he was not going to exact any pledge, but was going to enforce the regulations.

The CHAIRMAN. Do any of the rest of you gentlemen wish to ask any questions?

Mr. GREGG. There is one more I would like to ask. The officer in charge of Bancroft Hall every day had an office in the building, did he not?

Midshipman HUMPHREY. Yes, sir.

Mr. GREGG. What was his custom? To stay in the office or to be active around the hall in visiting the rooms and making his presence generally felt among the midshipmen? What was his custom; to remain in his office or to pursue the other course?

Midshipman HUMPHREY. At the beginning of the academic year, I am not sure, but I know that lately his course has been to make his presence felt.

Mr. GREGG. That is, since the Branch-Meriwether affair, is it not?

Midshipman HUMPHREY. In regard to that, sir, I do not believe I remember.

Mr. GREGG. All right; that is all.

Mr. LOUD. I would like to ask one more question. On the occasion of a fight in the rooms at the time of the supper formation, what means are to be taken to evade the call at supper formation?

Midshipman HUMPHREY. Simply to tell the cadet petty officer who mustered the company why you wanted to be absent, and when he sent in his company report, he would not include your name.

Mr. LOUD. That was one of the only causes for which a man is excused at formation?

Midshipman HUMPHREY. Yes, sir.

Mr. PADGETT. What cause would he give him?

Mr. LOUD. It is a matter of honor, as I understand, that he would not report him.

Mr. GREGG. He would not report him as absent at supper formation?

Midshipman HUMPHREY. No, sir.

Mr. DAWSON. And then the cadet officer would understand there was going to be a fight?

Midshipman HUMPHREY. Yes, sir.

The CHAIRMAN. That is all. The members of the committee at the session next week would be very glad to learn of some action on the part of your classmates that would indicate that they agree with the sentiments you have expressed to us.

Midshipman HUMPHREY. I am very sure they will.

STATEMENT OF MIDSHIPMAN THEODORE STARK WILKINSON, U. S. NAVY.

The CHAIRMAN. What is your full name?

Midshipman WILKINSON. Theodore Stark Wilkinson, jr.

The CHAIRMAN. What State are you from?

Midshipman WILKINSON. Louisiana.

The CHAIRMAN. The fourth class does not have a class organization, I understand?

Midshipman WILKINSON. No, sir.

The CHAIRMAN. And will not have until they become the third class?

Midshipman WILKINSON. No, sir; next fall the officers will be elected.

The CHAIRMAN. Next fall your class will be entitled to have class organization and a president?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. How many members are there in your class?

Midshipman WILKINSON. I think at present there are about 230. We started with 247, but there have been about 17 resignations.

The CHAIRMAN. Are you very familiar, Mr. Wilkinson, with the feeling and sentiments of the boys of your class on the regulations and matters of school life which come up?

Midshipman WILKINSON. I think I am, sir.

The CHAIRMAN. You talk them over a good deal?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. So that you understand about how the other boys feel on these matters?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. You think you can safely give us information as to how they feel upon these matters?

Midshipman WILKINSON. I think, as far as I know—I could not say absolutely that I could speak as to the majority of the class—but so far as I have talked it over with anybody, I think I could give their opinions.

The CHAIRMAN. You have talked with a good many, have you, during the last few months, on these matters?

Midshipman WILKINSON. Yes, sir. We are new here, and of course, there has been a good deal of conversation about the regulations and how they strike us.

The CHAIRMAN. The committee, Mr. Wilkinson, is here to conduct an investigation in behalf of the Naval Committee of the House of Representatives, and by direction of the President and the Secretary of the Navy the superintendent calls before us anyone that we desire to question; and we desire, in addition to that, to administer the usual oath as to the truth of the answers which you shall give to us. You will please rise, therefore, and I will give to you the oath.

Midshipman THEODORE STARK WILKINSON, jr., U. S. Navy, being duly sworn, testified as follows:

The CHAIRMAN. Mr. Wilkinson, the feeling of the committee is very friendly toward the boys here, and we are not seeking evidence for any purpose except that we may report back to Congress as to the conditions which exist here, and whether any changes should be made. That is the only purpose in conducting this investigation; so that you can feel free to answer fully all the questions which we ask, knowing that the committee will protect the evidence. That is, if the names of boys should be called for during the examination, that does not mean that they are to be given out to the public. It simply means that it might be necessary for our information, and unless it is necessary we do not care for the names of specific boys. We want to know about conditions.

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. We are not down here looking up the boys especially, but we are looking up the conditions which prevail to see if anything should be changed.

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Of course you know, being a fourth class man, that hazing has prevailed here during the present school year—or what is called hazing—to a considerable extent, commencing last September. Is that within your knowledge?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Have you been hazed some?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Severe hazing, or moderate?

Midshipman WILKINSON. Moderate, I have found it, always.

The CHAIRMAN. Have you endeavored to respect the rates and rules made by the upper classes?

Midshipman WILKINSON. Generally, sir. Sometimes I have violated them, but not very often.

The CHAIRMAN. Occasionally one would slip your mind, and you were hazed a little?

Midshipman WILKINSON. Sometimes; yes, sir.

The CHAIRMAN. That is about the extent of it. Do the boys in your class like being sent under the table, and sent on their heads, and being made to hang upon lockers, and all of those things, or do they do it feeling that that is the way other classes have done here and that they are rather called upon to do it?

Midshipman WILKINSON. I do not suppose they do it out of pure joy of doing it, but merely, as you say, that the other classes have done it.

The CHAIRMAN. They feel that it is rather a necessity. Do the fourth class men understand that if they are obstreperous about it, and refuse to carry out these requirements of the upper classes, that it means they must fight?

Midshipman WILKINSON. No, sir.

The CHAIRMAN. They do not understand that?

Midshipman WILKINSON. No, sir.

The CHAIRMAN. What would happen to a boy in your class if he refused to obey the rules?

Mr. GREGG. He is in the third class, is he not?

Midshipman WILKINSON. I am in the fourth class.

Mr. GREGG. Yes; that is right.

The CHAIRMAN. What would happen? You say you do not do these things for the joy of doing them; not as mere pleasantries. What induces you to do them?

Midshipman WILKINSON. Refusal to do so would mean either more hazing, of a pronounced type, or if you should refuse to take that, it would mean the comparative ignoring of the midshipman who refused. You would be ignored, not particularly by your own class, but by the upper classes, and you would probably get the worst of everything that they could possibly do. They would do it in a mean way. It would not be hazing, but they would get the best of you, practically.

The CHAIRMAN. You came in last September?

Midshipman WILKINSON. Last July, sir.

The CHAIRMAN. You came to the school last July, and the upper classes returned to the school last September?

Midshipman WILKINSON. Part of them last September, but the most of them October 15.

The CHAIRMAN. They were away on the cruise?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. And since that time hazing has been used, generally, for refusal to obey rates and regulations. If you did not obey, you were hazed. That was the punishment that was inflicted?

Midshipman WILKINSON. Yes, sir—not always physical hazing.

The CHAIRMAN. You do not know, then, unless you have heard of it, of the practice that prevailed before hazing came in, that if rates were not obeyed the boys in the fourth class were compelled to fight, and if they should refuse to fight they were considered cowards and ostracized by the opinion of the school. Was that before your time here?

Midshipman WILKINSON. I do not think that is understood now, sir.

The CHAIRMAN. It has not been while you have been in?

Midshipman WILKINSON. No, sir.

The CHAIRMAN. Hazing is now used as the punishment for refusal to obey the rates?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Instead of being compelled to fight?

Midshipman WILKINSON. I have known of no case this year of any-one being compelled to fight.

The CHAIRMAN. I think that is true, so far as I know. What is the opinion of the boys in your class, Mr. Wilkinson, as to the righteousness and propriety of hazing, as a principle, applied to a school? Do they think it is a good practice and one that ought to be maintained, or do they think it is a bad practice?

Midshipman WILKINSON. I think the majority of them are in favor of maintaining it, sir.

The CHAIRMAN. Maintaining hazing?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Do the boys in your class understand that it is against the law of the country in which they live to have hazing at Annapolis?

Midshipman WILKINSON. They are not so much in favor of retaining hazing, sir, but they look upon it as probably all other classes have done, that there ought to be some way of restraining the new class.

The CHAIRMAN. Restraining them from what?

Midshipman WILKINSON. Well, when they come here, they get to working on the principles of the place—flying off at a tangent.

The CHAIRMAN. If you had not been hazed, what depredations would you have committed during the time you have been here?

Midshipman WILKINSON. Well, I do not know that I would have committed any depredations, but I might have made myself objectionable. I do not say that I would, but I might possibly have made myself objectionable to some one in the upper classes in a way which would have been resented by them.

The CHAIRMAN. Are each of you boys furnished with a copy of the rules for the interior regulation of the academy?

Midshipman WILKINSON. Yes, sir; one for each room—two boys to a room.

The CHAIRMAN. One copy for two boys?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. That states in great detail, does it not, what your conduct shall be every hour of the day?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Do you not think if you made yourself familiar with these rules which are laid down under authority of Congress and under the law, through the superintendent—if you have got so that you were familiar with these rules to a number of hundreds, and endeavored to carry them out, that that would regulate your conduct pretty thoroughly from morning until night? For instance, you are required to get up at 6 o'clock in the morning, are you not?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. By the rules?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. You do not need, to be hazed by somebody here, in order to get up. It is one of the rules of the academy?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Then each half hour during the day what you shall do is laid down in the rules, right along all day, is it not?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Let us see. I think it is on page 64—the gun fires in the morning at reveille at 6 o'clock?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. That is what gets you up; that is the signal to you to get up?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. You do not need to be hazed to do that?

Midshipman WILKINSON. No, sir.

The CHAIRMAN. It is a regulation of the academy. You are required to do it?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Then you have fifteen minutes in which you are to stow away your hammocks——

Midshipman WILKINSON. That is on shipboard, sir. That is on the *Santee*, I think, that you are reading there.

The CHAIRMAN. Yes; this is the summer practice. I have gotten the wrong page. Well, I think they are regulated about as punctually here.

Midshipman WILKINSON. That is on the *Santee*.

The CHAIRMAN. That is when they are on there for punishment?

Midshipman WILKINSON. Yes, sir. Page 26 is the one you are looking for.

The CHAIRMAN. Page 26. You are required to get up, by the rules, at 6 o'clock, and the first call for the morning roll call is at 6.35. The morning roll call is three minutes later, (6.38), and breakfast is immediately after the roll call. These rules here detail exactly what you shall do?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Every hour and every minute of the day?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. You do not need to be hazed in order to have you carry out these requirements of the academy?

Midshipman WILKINSON. No, sir.

The CHAIRMAN. And the law of the United States?

Midshipman WILKINSON. No, sir.

The CHAIRMAN. You boys are being educated by the United States, at the expense of the United States, at a school here provided by your country, to be officers in the naval service. One of the most important duties to which a man can be assigned by his country is to be performed by you boys. You are to be put in charge of property of great value and the lives of a great many men. In times of danger very much may depend upon a single officer in that service. Hence it is held in high honor and high credit. You commence here as boys to carry out the orders of the United States. These are orders of the United States enacted through your superintendent. The next thing after roll call is breakfast. Is there any time during the breakfast hour, Mr. Wilkinson, when you think the boys should be hazed in order to make them do their duty here to their country as midshipmen and as future naval officers?

Midshipman WILKINSON. No, sir; I do not suppose there is.

But there might be some restraint necessary. If people should come here from outlying districts they might make themselves objectionable at the table, but I suppose that could be effected by just going and speaking to them about it.

The CHAIRMAN. Let me cite an example. I understand that the etiquette which prevails in good society prevents ladies and gentlemen from eating pie, we will say, with a knife. Some boy comes in from a remote, wild part of the country, we will say from up in western New York [Laughter.] Perhaps he has lived back from the village, and his chances for education along these lines have been few. He may be a poor boy, who has had to work pretty hard to get the necessary education to enable him to pass the examination and get into this institution. He may have had no opportunity to acquire knowledge along the lines of table etiquette. The boy comes in here with the rest of you and they bring him in, we will say, some pie to the table. He uses his knife in cutting it up and putting it into his mouth. The boys who have had better opportunities, who have been more fortunate in life, notice that and consider it a very great breach of table etiquette and decorum, as perhaps it would be from that standpoint. You have cadet officers there, have you not?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. This boy is unconsciously doing that which is offensive to the other boys, and not with any intent, but unconsciously and unintentionally. Do you think it would be very humiliating to that boy, and perhaps wound his feelings very deeply, if the boys around him immediately should roughly call his attention to this unintentional breach of etiquette?

Midshipman WILKINSON. I think it would, sir. I have never known of any case of that kind having occurred at the moment. If anything is said about it it is said in private to him.

The CHAIRMAN. Would not the kinder way be—and the kind way, I think, is the way that gentlemen always use if they are able to—would not the kind way be to have the cadet officer in charge call his attention to any little breaches of table etiquette privately, so that he could correct them, as he doubtless would, and by observing those that have had better chances, and not to wound his feelings and humiliate him by having it called to his attention publicly? Would the other be the better way?

Midshipman WILKINSON. Yes, sir. As I have said, I do not know of any occasion when it has been called to his attention publicly.

The CHAIRMAN. I understood you to suggest that there might be such action?

Midshipman WILKINSON. I was suggesting that as a possibility, that such an occasion might arise, and somebody might do it; but I should not regard it, as you say, as gentlemanly.

The CHAIRMAN. Do you not think it could be done in an orderly way, in compliance with the regulations, without the necessity of any one of the boys volunteering to act as his teacher in etiquette, and to call it to his attention and force it upon him by some practice of hazing if necessary?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Then, even in the matter of table etiquette there seems to be no necessity for hazing.

Midshipman WILKINSON. No, sir.

The CHAIRMAN. It can just as well be done in what we call a gentlemanly manner without hurting his feelings along the line of the rules of the Naval Academy in the proper way?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Where else does it occur to you that boys should be hazed, and what other part of their duties here require it?

Midshipman WILKINSON. I can say this, sir, that often it is resorted to by a midshipman of the upper class, who is not a cadet officer, and who observes some disorder or some little petty infraction of the regulations, and he would rather do that than to give the boy who has done it much more trouble by reporting it—disorder in the hall, for instance.

The CHAIRMAN. That is, the cadet officer, instead of——

Midshipman WILKINSON. I said one who is not a cadet officer.

The CHAIRMAN. Oh, one who is not a cadet officer?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Are not the cadet officers supposed to be—one of them—in charge all the time, at all places?

Midshipman WILKINSON. No, sir; not at all places.

The CHAIRMAN. In the mess room?

Midshipman WILKINSON. In the mess hall; yes, sir.

The CHAIRMAN. Wherever you are, is not a cadet officer supposed to be in charge?

Midshipman WILKINSON. But he is not in a place here where he can see everything. Quite naturally, what disorder there is would be done where he could not see it.

The CHAIRMAN. Then your idea is that the hazing is sometimes resorted to to suppress other disorders?

Midshipman WILKINSON. Petty disorders not seen by the cadet officers; yes, sir.

The CHAIRMAN. Do you not think the result has been, even if that was the intention, and it was done in good faith, to make still greater disorder than would otherwise have existed? Has not the result been rather disastrous to the student body of the academy?

Midshipman WILKINSON. Well, speaking for our class, I do not think so, sir.

The CHAIRMAN. You think your class is——

Midshipman WILKINSON. I do not think our class has suffered very much on account of this.

The CHAIRMAN. Have you not been broken up quite a good deal during the last few months?

Midshipman WILKINSON. No, sir.

The CHAIRMAN. Have not a good many of your class been called before the court-martial and the investigating committee?

Midshipman WILKINSON. Yes, but it has not suffered very much from it.

The CHAIRMAN. Has it not taken their time, when their time has been fully occupied by their studies, or ought to have been?

Midshipman WILKINSON. It takes their time in this way: It takes off time from their studies, but when they are absent from such studies they are neither graded one way or the other. The marks are just ignored for that day, so that you do not lose much after all.

The CHAIRMAN. That is, there is no mark for being absent?

Midshipman WILKINSON. There is no mark for being absent.

The CHAIRMAN. But you cannot take away the loss of the time, which may show itself in your examination, and result in your not passing, as I understand has been the case with a very large number during this examination?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. A larger number than for a great many years. You spend a good deal of time, do you not, talking over these matters together?

Midshipman WILKINSON. I think so; yes, sir.

The CHAIRMAN. Then has not the result of this hazing epidemic here been that the classes have all been injured by it, in loss of time, in being disturbed in their studies, and in following out their duties?

Midshipman WILKINSON. They have, in that way, sir; but I thought you meant that to suppress the petty disorder would lead to greater petty disorders. Of course when you consider the great upheaval it has caused, that is more of an upheaval than any disorder.

The CHAIRMAN. I meant just that, that by reason of the practice called hazing, by reason of the fact that upper class men have taken upon themselves unauthorized responsibility of inflicting punishment of various kinds on the lower class men, instead of making less disorder, as you suggest, it has resulted in very much greater disorder and a severe loss to all the classes in time and standing, and in the estimation of the country?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. That is true, is it not?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Do the boys in your class generally know that the laws of the country, the laws passed by Congress, absolutely prohibit these practices and inflict dismissal upon those who are guilty of them?

Midshipman WILKINSON. I think so, sir.

The CHAIRMAN. You think all of them understand it, or do some of them think it is a regulation of the academy?

Midshipman WILKINSON. I think they all understand that it is against regulations, sir.

The CHAIRMAN. Do they all understand that it is a law of the country?

Midshipman WILKINSON. I do not know that any of them have given very serious thought to that, sir, because they understand that the penalty is quite as serious under the regulations, because it is dismissal. The regulations here, of course, are the embodiment of the law of the country.

The CHAIRMAN. Have they become acquainted with the fact, since the court-martial and the investigation committee started, and there has been so much attention paid to it because of an accident at the commencement of the school year, that all forms of hazing are unlawful under the laws of the land, and are punishable by dismissal?

Midshipman WILKINSON. I think we all understand that; but I do not think they have taken it seriously, because so few dismissals have resulted from hazing cases, either known or unknown.

The CHAIRMAN. They thought it was like other minor offenses mentioned in the regulations, a good many of them?

Midshipman WILKINSON. I think if the cases had become known, probably dismissals would have resulted, but so many times it has been what might be called a miscarriage of legislation, and they did not regard them as very serious.

The CHAIRMAN. Was there any feeling in your class during the past year that the officials of the academy, the authorities, the officers in charge of the academy, were not disposed to object to hazing unless it was severe physical hazing?

Midshipman WILKINSON. No, sir.

The CHAIRMAN. Did you ever know of an agreement of the classes with Admiral Brownson when he was here?

Midshipman WILKINSON. I had heard of it.

The CHAIRMAN. You had heard of it. That was before you got here?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Did you understand that that agreement had been done away with?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Did you understand from that fact that the upper classes were at liberty to perform some of these acts of hazing if they were not physical and too severe?

Midshipman WILKINSON. We understood that if they were doing this they were going against the regulations, but that they were not breaking their oaths, from which they had been released. Of course it is a different matter from a personal oath like that, given by the president of a class. It is an infraction of the regulations.

The CHAIRMAN. You considered that agreement more in the nature of giving a personal word of honor?

Midshipman WILKINSON. I think that is how it was understood, sir.

The CHAIRMAN. I suppose you thought that the general oath that was administered was a sort of swearing in to the service of the United States?

Midshipman WILKINSON. I think that is the way it is considered. Some of them regarded it in that way, anyhow. I can not speak for the majority.

The CHAIRMAN. Do you know, Mr. Wilkinson, or do the members of your class know, that the people of this country, who pay a great many millions of dollars to construct this academy, and to maintain it every year, are very strongly set against these practices of hazing?

Midshipman WILKINSON. I think they do now, sir.

The CHAIRMAN. Do they know that the Congress of the United States, which has to make the annual appropriation in support of these schools and maintain them and build them up, is very strongly set against all these forms of hazing?

Midshipman WILKINSON. I think they do, sir.

The CHAIRMAN. Do they know that the practice of hazing here does the academy great injury; that it makes the people feel cross toward the academy and the students in it; that it makes the appropriations for the academy less, and a feeling of anger against the whole institution in the minds of the people generally? Do they understand the feeling of the country about it?

Midshipman WILKINSON. I do not think they realize that, sir.

The CHAIRMAN. Your class has been hazed more or less—mostly more, I guess—since about the 1st of October; or when did it commence, the first of September, or October?

Midshipman WILKINSON. The first of September the hold-overs were back.

Mr. PADGETT. The school year began the 14th of October?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. What classes were here the first of September besides the fourth class?

Midshipman WILKINSON. I think there were a few members who held over for conduct or deficiency in study.

The CHAIRMAN. The other classes were all off on the cruise?

Midshipman WILKINSON. Part of them were on leave during September. All the classes were on the cruise during the period from June to September, and then a month's leave was granted to the upper classes.

The CHAIRMAN. Who was hazing the fourth class during September? The few who were left here for deficiency in studies, or who were serving out terms of imprisonment within the grounds for violations of some kind?

Midshipman WILKINSON. There were no terms of imprisonment being served, but such as were held over for conduct, or merely what is called Frenching—being absent from the academy limits without permission, which carries with it a penalty of the loss of fifteen days' leave. They are not restricted to the grounds, but they are attached to the Naval Academy for fifteen days in their leave.

The CHAIRMAN. There were not enough of them here during September to haze your whole class, which is very large? The general hazing commenced, I suppose, about the first of October?

Midshipman WILKINSON. I do not think it has been very much worse since the academic year opened.

The CHAIRMAN. Practically, I suppose, all the members of the fourth class have been hazed to a greater or less degree?

Midshipman WILKINSON. Except those who belonged to the third class.

The CHAIRMAN. And who had dropped back?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. They were considered immune. Your class would be liable to hazing under the hazing system until the end of the school year, I suppose.

Midshipman WILKINSON. Until the end of the school year; yes, sir.

The CHAIRMAN. Hazing stopped how long ago?

Midshipman WILKINSON. I think about two months ago.

The CHAIRMAN. About the time the Branch-Meriwether fight occurred, or after that?

Midshipman WILKINSON. It was about the time of the football game—the 2d of December.

The CHAIRMAN. What was the reason it stopped?

Midshipman WILKINSON. The board of investigation was beginning to make a thorough investigation.

The CHAIRMAN. The board was convened as a result of what? Was that convened as a result of the fight or because of the case of the boy who was hazed and went to the hospital—Kimbrough?

Midshipman WILKINSON. It was in session before the Kimbrough affair, sir. It was convened, I think, after the fight.

The CHAIRMAN. Yes, the fight, I guess, is what started it up. Then your class was hazed somewhat during September, during October, and a part of November. You have not been hazed since and will not be for the rest of the school year. Then you will get off pretty easy.

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. Mr. Wilkinson, what is your own opinion, in view of the feeling of Congress and of the people of the United States about hazing, about the propriety of carrying it on here at the academy?

Midshipman WILKINSON. My personal opinion is, sir, that I would like to see it stopped right away for good.

The CHAIRMAN. What do you think the members of your class would say? How do they feel about it?

Midshipman WILKINSON. Well, I could not say very much, because there are all sorts of divided opinions among them. Some, I suppose, are for the system of hazing, and others want just a sort of superiority and also the right to rebuke for some things. The opinions range all the way between those two extremes and the other extreme of omitting it entirely.

The CHAIRMAN. Is there some feeling among some of them that they, having been hazed to some extent, are being cheated out of a right if they are not permitted to haze the next class?

Midshipman WILKINSON. There may be, sir.

The CHAIRMAN. The present law, Mr. Wilkinson, I suppose you and your classmates are familiar with. The present act of Congress under which the superintendent is proceeding—there was another act before this, but this will give you the substance of it—is an act passed March 3, 1903:

That the superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing, and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

That is the law. It leaves the superintendent of this academy no discretion whatever. If any case of hazing arises, under the law of the United States as it stands to-day, the superintendent must bring it before a court-martial, and if there is evidence to show that a cadet has been guilty of hazing he must be expelled under this law. There is no discretion and there is no grade in it. There is no difference between standing a man on his head once or 100 times, between having a man bring up breakfast and making him hang on the locker until he is exhausted. Hazing is what Congress has prohibited by law, and cadets who are found guilty of it must be summarily expelled from this institution. That is the law under which this court-martial has been proceeding. There are a very large number of other cadets who have not been before the court-martial who were liable for hazing. That we all understand. Under the law as it stands the superintendent of this academy must keep a court-martial assembled and at work so long as he can find a single

student who is guilty of hazing in this institution, no matter whether it turns out 10, 20, 50, 100 students or every student in this academy. That is the law as it now stands. My opinion is that the people of the United States, if we can judge from the press, are thoroughly in favor of the enforcement of that law. I do not think there is any doubt about it. I think they are willing to have every cadet in this institution turned out and start in anew, if it must be done, in order to stop this practice of hazing. Congress, not feeling unfriendly to the boys here, feeling friendly to them, and desiring to do that which would be best for them and for the country, has asked the President of the United States to have the court-martial stopped temporarily until conditions could be inquired into here—until we could find out what we may expect in the future. If the students who are now here are determined, in defiance of the law of their country, to continue the practice of hazing, then I think there is no doubt that Congress will say to the superintendent “Let your court-martial go on until every cadet that can be convicted shall be turned out of the academy.” I think that is the situation as it now exists. If Congress finds that the boys here in the academy are paying some attention to the laws under which they live, and to the sentiment of the people who support the institution, and are themselves desirous of doing away with hazing, and are willing to take hold and create an opinion among the student body against it, to discountenance it and discourage it—if they find that spirit among the boys here, I think, I should hope, that Congress as the result of the report of this committee might say to the superintendent: “If there are any down there that have broken the law, they must be convicted; but we will change the law so that for the slighter degrees of hazing, perhaps unintentional forms of hazing, they need not be dismissed from the institution.”

Whether any change in the law can be made along that line, in my judgment, depends very much upon what we can report to Congress as to the feeling and the disposition and intention for the future of the boys that are in this school. I think, Mr. Wilkinson, the classes above you, so far as we have been able to get knowledge of it, have determined to discountenance, discourage, and do away with hazing so far as they possibly can. I think the class that will be the first class will do that, from what I understand, and I think the other classes will.

MIDSHIPMAN WILKINSON. I could say this, sir; If those two classes do away with it as far as they can, our class will do so, because naturally we would do it to follow them. They are the higher classes. Often the first class exerts a great deal of influence over all the lower classes, and they could influence such members of our class as might want hazing to quit it. I think the larger body of us by that time, if not already, would be disposed to be against it.

THE CHAIRMAN. Do your classes have the right now, under the rules of the academy, to assemble for the purpose of talking over such a matter as that, if you desired to, or for other purposes? What are the rules about that?

MIDSHIPMAN WILKINSON. Well, the meeting would have to be called with the permission, I believe, of the officer in charge.

THE CHAIRMAN. You have to first make application and obtain permission?

Midshipman WILKINSON. Yes, sir; from the officer in charge.

The CHAIRMAN. And state, I suppose, the purpose of the meeting?

Midshipman WILKINSON. The purpose of the meeting; yes, sir.

The CHAIRMAN. What way would you suggest whereby the committee can find out, so that they can definitely report back to the rest of the committee as to the feelings of your class and the intentions of your class on the subject of hazing?

Midshipman WILKINSON. I do not know of any way now, except by calling together a large number of the individual members, because we have no class organization.

The CHAIRMAN. How would you make application to the officer in charge, if you desired to have a meeting, having no class organization? I assume that in the other classes that comes through the president.

Midshipman WILKINSON. Some member would go to the officer in charge and ask permission.

The CHAIRMAN. He would ask permission for the rest?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. You would get some of them together?

Midshipman WILKINSON. Yes, sir; they would read out a notice in the mess hall and probably all of them would stay.

Mr. LOUD. They could choose a chairman for the meeting.

The CHAIRMAN. They could appoint one of their number; yes. You feel pretty sure, Mr. Wilkinson, that if the upper classes sincerely desired to do away with hazing that your class would follow suit?

Midshipman WILKINSON. I think so, sir. They certainly would while the other classes were still in the academy; that is, even up to their second class year. And when they came to the first class year I am pretty sure they would follow the example.

The CHAIRMAN. You knew, did you not, at the time hazing was very prevalent at West Point five years ago, when an investigation was made by Congress, that all of the classes there voluntarily, of their own accord, voted to do away with hazing?

Midshipman WILKINSON. No, sir; I did not know that.

The CHAIRMAN. And that they expressed themselves against it, formally, and hazing has been done away with except for a sporadic case now and then, ever since. That was the action that was taken at that time. I think it had a very excellent influence upon Congress and upon the country. The committee will be in session here all of next week, Mr. Wilkinson. If you can find any way of conveying to us the opinions of your class and the intentions of your class upon the subject of hazing at any time before the end of next week we would be very glad to receive it.

Midshipman WILKINSON. Well, I will tell you. If the other upper classes, the second and third classes, intend to hold meetings on this subject, the fourth class will hold a meeting.

The CHAIRMAN. I do not know what their intentions are. We have been assured by representatives of the classes that the sentiment of their classes is now against hazing, and strongly against it, and that their intention is to discourage it and discontinue it. What means they will adopt for bringing that about, we do not know. It may be in the shape of a meeting. I do not know about that. But you

can keep track of their proceedings and their sentiments, and govern yourselves accordingly, as you wish.

Midshipman WILKINSON. Yes, sir. I will try to find out all I can for you, sir. I think if any action is taken, as you have said, by the second and third classes, if they are determined to do away with hazing, I think the fourth class will undoubtedly follow their lead, and when they become the third class—but if you wish me to, I will find out the individual opinions now.

Mr. DAWSON. I want to ask this gentleman a question or two.

The CHAIRMAN. Very well.

Mr. DAWSON. Primarily, is it your understanding that the two principal qualifications of an officer in the Army or Navy are, first, courage; and second, obedience? Is that your idea?

Midshipman WILKINSON. Yes, sir; I think so.

Mr. DAWSON. You are being trained here so that you may be put in a position where you will be over men—where you will expect obedience to your orders. Is that correct?

Midshipman WILKINSON. Yes, sir.

Mr. DAWSON. Now, is not the first duty of yourself and the others who are being similarly trained to learn that obedience yourselves—that is, not simply obedience to regulations, but obedience to the law of your country?

Midshipman WILKINSON. Yes, sir.

Mr. DAWSON. Then is it not also a prime requisite that you discourage anything which is cowardly and encourage anything which will make courageous men of you?

Midshipman WILKINSON. I think so, sir.

Mr. DAWSON. Having been through this practice of hazing, do you think it is cowardly on the part of an upper class man to assume authority to coerce you into doing something that would be humiliating to you?

Midshipman WILKINSON. No, sir; I do not think it is cowardly.

Mr. DAWSON. You do not think it is cowardly?

Midshipman WILKINSON. No, sir.

Mr. DAWSON. You would not think it was cowardly for one man who was in a certain position to take advantage of that position to bully another, we will say?

Midshipman WILKINSON. Well, it might be cowardly in that respect; yes, sir.

Mr. DAWSON. And is it not true that some of the hazing which has been developed by this board of investigation has been a species of bullying, in a pretty exaggerated degree?

Midshipman WILKINSON. I have not followed it up very closely, sir, in reading the testimony, but I have heard of very few cases of that sort.

Mr. DAWSON. Do the boys appreciate—I should think they would, having gone through it—that the country feels that any treatment that is harsh to the young cadet is conduct that is considered disgraceful by the people? Do you think the boys appreciate that fact?

Midshipman WILKINSON. I do not think they appreciate it fully, sir. They did not before this. I think they do now, sir.

Mr. DAWSON. That is about all, I think, Mr. Chairman.

Mr. PADGETT. I have one other question, if you please, Mr. Wilkinson. If the members of the fourth class were allowed to select for themselves a course of procedure without the fear of punishment, either to carry on hazing or to discontinue it, and it were left to a vote of the fourth class to determine that matter for themselves, with all the light that is before them now and with the full understanding they have here at this time, what do you think they would do? I say, if there should be no punishment for hazing, and if it were left to them to determine as a matter of practice and for their own determination, what do you think your class would vote for—to continue or to abolish hazing?

Midshipman WILKINSON. I could not say very fully, sir, but I think they would vote to abolish it, because all this to do has got everybody to thinking now, and they are thinking pretty seriously, the way the country is looking on at the thing.

Mr. PADGETT. I am very glad to hear that.

Mr. GREGG. Do you not think the incoming fourth class for next year would be right glad to have it done away with?

Midshipman WILKINSON. Yes, sir.

Mr. DAWSON. I have one more question. Has the opinion of the present class with regard to hazing had any material change from the date of your entrance up to the present time—that is, were you in favor of hazing when you came in? Did you think it was a good thing then?

Midshipman WILKINSON. I do not know that we considered it was a good thing, but we knew it was coming, and we did not think very much about the ethics of it.

Mr. DAWSON. You were sort of resigned?

Midshipman WILKINSON. Yes; we were ready to stand by; yes, sir.

Mr. GREGG. It was a question of “grin and endure,” was it not?

Midshipman WILKINSON. Yes, sir.

Mr. LOUD. There have been no class fights between any member of your class and any member of the third class, have there, this year?

Midshipman WILKINSON. I heard that there was to be one, but it was not a class fight in the strict sense of the word.

The CHAIRMAN. A personal difference, was it, between two boys?

Midshipman WILKINSON. Yes, sir.

The CHAIRMAN. We will probably ask you to come back next week, and if you have any further information to give us about the feeling of your class we shall be glad to have it.

Midshipman WILKINSON. I shall try to find out what the feeling of the majority is.

The CHAIRMAN. If you will do so we shall be very glad to have the information.

Midshipman WILKINSON. Yes, sir.

STATEMENT OF MIDSHIPMAN ARCHIBALD HUGH DOUGLAS, U. S. NAVY.

The CHAIRMAN. You are Mr. Douglas, the president of the second class?

Midshipman DOUGLAS. It is the third class, but it will be the second class.

The CHAIRMAN. As soon as you move up at the end of the school year?

Midshipman DOUGLAS. Yes, sir; we consider ourselves the second class.

The CHAIRMAN. The committee is here as a subcommittee of the Naval Committee of the House of Representatives, to report upon the conditions here concerning the management and discipline of the academy, particularly with reference to its bearing on hazing. The President of the United States and the Secretary of the Navy have directed the superintendent of the Naval Academy to have anyone connected with the institution come before the committee that may desire, and you have therefore been requested to come in. We desire to have you take the usual oath as to your testimony.

Midshipman DOUGLAS. Very well, sir.

Midshipman ARCHIBALD HUGH DOUGLAS, U. S. Navy, being first duly sworn, testified as follows:

The CHAIRMAN. What is your full name?

Midshipman DOUGLAS. Archibald Hugh Douglas.

The CHAIRMAN. What State are you from?

Midshipman DOUGLAS. Tennessee.

The CHAIRMAN. How many members are there in your class?

Midshipman DOUGLAS. About 240 now, sir. There were about 245 at the beginning of the year.

The CHAIRMAN. We have been over the testimony taken by the investigating committee, and also the testimony that was given before the court-martial, so that we are very familiar with the situation, especially as it relates to hazing here. We are pretty familiar with the number involved, and with the different practices, and with the number that have been hazed, also the hazers. It seems to be the fact that since the commencement of the present school year hazing, in a greater or less degree—that is, in a severe or mild form, some form of hazing—has been very prevalent in the academy. Is that your understanding?

Midshipman DOUGLAS. Yes, sir; it has been going on.

The CHAIRMAN. During the school year which preceded this one, was there very much hazing here?

Midshipman DOUGLAS. There was some; yes, sir. I did not see very much of the hazing. I was in the hospital most of last year.

The CHAIRMAN. But you know pretty thoroughly, I suppose, what goes on around the academy?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Did it exist to any such extent as it has during the present year?

Midshipman DOUGLAS. I believe it has always existed since I have been in the academy about the same.

The CHAIRMAN. Did you know anything about an agreement that was made between the classes and Admiral Brownson in the last two years?

Midshipman DOUGLAS. I do not know whether it was the second class, the present first class, or not, but most of them gave their word of honor that they would not haze, I believe.

The CHAIRMAN. What was then the first class gave their word of honor?

Midshipman DOUGLAS. Yes.

The CHAIRMAN. And what was then the second class did the same?

Midshipman DOUGLAS. I think it was.

The CHAIRMAN. And the third class—what was the third class then?

Midshipman DOUGLAS. Yes.

The CHAIRMAN. The evidence before the committee seems to be that all those classes gave to Admiral Brownson their personal word of honor that they would discontinue any physical form of hazing.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. And the evidence further is that they were released from that agreement.

Midshipman DOUGLAS. That is the way, I think, it was.

The CHAIRMAN. At the beginning of the present school year?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Now, Mr. Douglas, during the term which that agreement covered, was there any practical cessation of hazing—that is, of hazing generally, while there may have been instances here and there?

Midshipman DOUGLAS. You mean while Admiral Brownson was here?

The CHAIRMAN. During the period covered by his agreement with the classes, and during the time he had their word of honor that they would not haze physically, did it stop?

Midshipman DOUGLAS. I do not know whether you would call it hazing or not. There was no physical hazing. There was a mild form of what they call hazing.

The CHAIRMAN. During that period there was what they call “running,” and “rates,” which prevailed to quite an extent?

Midshipman DOUGLAS. Yes.

The CHAIRMAN. And practices which we call “fagging.” That is, the performance of menial services by lower class men for upper class men?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. What in English schools is called “fagging?”

Midshipman DOUGLAS. Yes.

The CHAIRMAN. All those things prevailed?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. But physical forms of hazing, putting men on their heads, and the “crew,” and the “rabbit dance,” and all the various forms in which hazing is known as physical hazing were substantially discontinued during that period as you understand it?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Do you know of any class fight since the commencement of this year?

Midshipman DOUGLAS. Fights between different class men?

The CHAIRMAN. What are called class fights. You understand the term, I believe.

Midshipman DOUGLAS. There is a distinction, you know. They make it a personal matter, sometimes a personal affair. Then the class fight is a fight between one man of one class and another man from another class. There may be something they disagree on.

The CHAIRMAN. It is where the selection is made by the class, or the president, or the representative of the class?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. For example, a fight between a fourth class man

for refusing to recognize some rate, or refusing to perform some requirements, with an upper class men?

Midshipman DOUGLAS. Yes, sir; that is a class fight.

The CHAIRMAN. Between fourth class men and upper class men?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Where the upper class men is selected by the president, or by the class, in some way?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. And usually on account of his proficiency in the manly art. That would be a class fight, as I understand it.

Midshipman DOUGLAS. Yes, sir. The Meriwether-Branch fight was one personal fight.

The CHAIRMAN. A personal fight may occur between members of one class?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. I am talking about class fighting, as that is understood. Do you know whether there has been any of it in the present year, since the first of September?

Midshipman DOUGLAS. No, sir; I never have known of any. I never appointed a man of my class to do it.

The CHAIRMAN. How many were there in the last school year that you know of?

Midshipman DOUGLAS. The year previous?

The CHAIRMAN. Yes, sir; the last school year. One hundred?

Midshipman DOUGLAS. I do not know of that many?

The CHAIRMAN. Forty?

Midshipman DOUGLAS. I know of five, myself; but I suppose there were several times that fights may have gone on when I would not hear of them.

The CHAIRMAN. I am afraid you do not take the newspapers here. We seem to be able to hear of a great many more than that.

Midshipman DOUGLAS. These are the only fights that I recall myself, that I know of.

Mr. PADGETT. He is speaking of fights in his particular class.

Mr. DAWSON. Were those five in which your class was concerned as one party?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Your class last year was the fourth class?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. You were——

Mr. DAWSON. The hazee.

The CHAIRMAN. You were at the seat of trouble last year?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Were you president of the class last year?

Midshipman DOUGLAS. We did not have any president.

The CHAIRMAN. No; you were not entitled to an organization then. All the fights that you can recall of members of the fourth class last year are five who took part in class fights?

Midshipman DOUGLAS. I mean I suppose I could name those. There may have been ten.

The CHAIRMAN. We are not asking for names of any of them.

Midshipman DOUGLAS. There were not over ten, that I know of.

The CHAIRMAN. We do not want any names; we want the instances.

Midshipman DOUGLAS. That is, in my class. I do not know anything at all about the other classes. There were three other classes, and I do not know anything about their fights.

The CHAIRMAN. Do not most of the class fights occur between members of the fourth class and of the upper classes?

Midshipman DOUGLAS. Yes, sir; usually the third and fourth classes.

The CHAIRMAN. That is where most of the class fights come from?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Do you know of many other fights outside of these fights last year? I suppose a good many encounters take place in a large body like this—personal fights.

Midshipman DOUGLAS. During what we call the plebe summer the fourth class stays three months while the others are on leave. I think I was connected with, refereed, or saw eight or ten, I believe. These were merely personal matters.

The CHAIRMAN. I suppose, Mr. Douglas, that class fights almost invariably arise from the refusal of the lower class man to perform some duty, or to observe some rate prescribed by the upper class men?

Midshipman DOUGLAS. Yes, sir; if he refuses to acknowledge certain facts that the upper class men considered——

The CHAIRMAN. If he refused to acknowledge their authority, or to perform duties required of him by the upper class men, or to observe the rates?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. The class fight is the instrument used to enforce the carrying out of the regulations of the upper classes—whatever they may choose to make?

Midshipman DOUGLAS. It usually is; yes, sir.

The CHAIRMAN. They say to the fourth class men: “You must do this or fight.” If the lower class man refuses to fight, then I suppose he loses caste among the students in the school?

Midshipman DOUGLAS. I do not know that he——

The CHAIRMAN. He possibly may be obliged to take a sojourn in coventry?

Midshipman DOUGLAS. He is probably put in coventry.

The CHAIRMAN. Very frequently the opinion of his own classmates would be against him, I suppose, if he refused to fight?

Midshipman DOUGLAS. Yes; I think there is a pretty strong spirit against this thing here.

The CHAIRMAN. It is not considered good practice to permit a fourth class man to win in fights, is it?

Midshipman DOUGLAS. No, sir.

The CHAIRMAN. It encourages a spirit of insubordination in the young which should be discouraged?

Midshipman DOUGLAS. If he should win he probably would have to fight again.

The CHAIRMAN. Therefore, in the upper class, except that in the matter of weight, it shall be fairly even, I suppose a man who is a skillful exponent of the art of fighting and who is in good training and a strong fighter, would be selected to be put against him?

Midshipman DOUGLAS. Usually a man of his own weight is selected, but a man who has been here a year and has gone on a cruise is generally in much better physical condition.

The CHAIRMAN. So that it rarely happens that a fourth class man wins in the fight, on account of lack of skill and knowledge of fighting?

Midshipman DOUGLAS. I do not know of any case where he ever won.

The CHAIRMAN. The Meriwether case was not a class fight?

Midshipman DOUGLAS. That was a personal matter.

The CHAIRMAN. Your class was not hazed very much?

Midshipman DOUGLAS. Very little, compared with what it has been. We had a form of running, as it was called. They would speak to you, or something like that, and tell you to say something, but nothing physical.

The CHAIRMAN. Your class had very little physical hazing?

Midshipman DOUGLAS. Very little—none at all.

The CHAIRMAN. You have had exceptionally good fortune, then, in being enabled to escape it yourselves, and yet have been able to inflict a large dose on the lower class.

Midshipman DOUGLAS. I have never done any myself.

The CHAIRMAN. I mean your class, as a whole, should be considered exceptionally fortunate in that respect.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Mr. Douglas, you know that the practice of hazing is forbidden, not only by the regulations of the academy, but is contrary to the laws of the country?

Midshipman DOUGLAS. Yes, sir; I think there was a law passed in 1874.

The CHAIRMAN. Yes, in 1874; but the severity of it was increased in 1903.

Midshipman DOUGLAS. I did not know about that.

The CHAIRMAN. The act of 1903 is—

That the Superintendent of the Naval academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy, and shall not thereafter be reappointed to the corps of cadets or be eligible for reappointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

I suppose since the Meriwether fight, and since the convening of the board of investigation, and since the court-martial has been held, the attention of the student body here has been directed very sharply upon this question of hazing?

Midshipman DOUGLAS. Yes, sir; it has been.

The CHAIRMAN. And that it must have been discussed a good deal, as to the ethics of the practice?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. As to whatever merits there were in it, whatever good could be hoped to be gotten out of it, and also as to the bad results of the system?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. It has been discussed a great deal among the students, has it not, within the last two or three months?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Does the student body here, as a whole, realize that Congress is very strongly opposed to hazing as a system, in any of its forms?

Midshipman DOUGLAS. I do not think they realize it; no, sir.

The CHAIRMAN. Do they realize that the public sentiment of the country at large is still stronger than that of Congress against it?

Midshipman DOUGLAS. No, sir; I do not think they realize that.

The CHAIRMAN. They do not get the papers. That is the opinion of the press. That shows the feeling of the country on this subject.

Midshipman DOUGLAS. No, sir; I think they know more about it outside, of what goes on here, than we do ourselves, in that line.

The CHAIRMAN. What is your personal opinion about the system of hazing, Mr. Douglas?

Midshipman DOUGLAS. I do not know, sir. I think it is like it is in colleges. I believe in having rates—that is, certain customs—according to your advancement in the classes, but I am not very much in favor of what you call hazing. I never have done any myself, so that I have not had very much experience with it.

The CHAIRMAN. You think that the students as they progress from one class to another higher class, and as they become older and higher class men, should have additional privileges over the lower class men, and that is called rates?

Midshipman DOUGLAS. Yes, sir; well, the regulations give you certain privileges over the others, such as liberty at certain times, and certain other privileges.

The CHAIRMAN. The regulations themselves officially recognize certain privileges to the class men as they proceed toward graduation?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Then, in addition to those that are authorized or recognized by the authorities, you think there are some others that the upper class men are entitled to?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Are there very many privileges?

Midshipman DOUGLAS. There are not any very serious things. They are small rates.

The CHAIRMAN. The question about your boats, for example.

Midshipman DOUGLAS. Yes.

The CHAIRMAN. That is not a very large matter, yet you think that a man who has been here, and is now serving his last year, should have a little preference over the young men who are just coming in?

Midshipman DOUGLAS. Well, it is probably of more importance to a man in the first class that he should have the privilege of sailing than it is for a fourth classman.

The CHAIRMAN. Do you understand that it is the tradition of this academy that seniors shall haze, themselves? That they themselves shall haze lower classmen?

Midshipman DOUGLAS. Tradition? I do not know, sir. It has always been the custom.

The CHAIRMAN. For seniors to do it, or simply for the second and third classes to haze the fourth class?

Midshipman DOUGLAS. You mean for the first class to haze the second class?

The CHAIRMAN. I mean for the first class to haze the freshmen, the fourth classmen?

Midshipman DOUGLAS. I think as a rule very little has been done by the first class.

The CHAIRMAN. There seems to have been considerable done during the present year.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Some of the students rely upon what they call tradition. My understanding of the traditions of the academy was, that it was not considered proper for a first classman to haze a fourth classman; that it was done by the second and third classmen; and yet I notice that during the year here the code seems to have permitted a good deal of hazing by first classmen.

Midshipman DOUGLAS. I do not know of any tradition like that, of upper classmen not hazing.

The CHAIRMAN. Mr. Douglas, I think that during the history of our country the people of this country, at any rate, have believed that the code of honor among naval officers and naval officials has been very high. Whether we are mistaken or not, I think the country, at least, has believed that the great bulk of officers of our Navy throughout our whole history have been manly, courageous men, who have stood very high in every way, and men whose code of honor was very high as a rule. I think that has been the history of the country.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. We are now training in this school eight or nine hundred young men, who will go into the service of the country and of the Navy. I think the country is a good deal interested as to what sort of officers shall go out of this school into the Navy. I think the country is very strongly set against a practice which they think will deteriorate the class of men who go out of this school into the naval service of the United States. The people of the United States especially abhor cowardly actions. The people of the United States especially abhor those practices done by a superior to an inferior.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. With a tendency to humiliate him and to wound his feelings, and to show unjust and unauthorized authority over him.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Do you think it is a manly thing to have a class fight in which some green boy from the country, who never has had any experience away from home, and who has had perhaps very few opportunities; who has had to study very hard to acquire sufficient education to enter this academy, and to get an opportunity to enter it; who has had no opportunity to perfect himself in boxing or in athletic exercises; who knows very little about what would be expected of a boy in a fight, and perhaps who has never had a fight—to take a boy of that kind, untrained, unskilled, and to put him up against a trained athlete, as many of the boys are after they have been here a year or two, after they have learned to box, and after their muscles are hardened by athletic exercises, after they have seen these fights take place and have watched them to their conclusion and know the points of advantage? In other words, they start in with such inestimable advantage over this fourth class boy that you can see the conclusion in advance. It is a foregone conclusion that the fourth class boy has not one chance in fifty but what he will be defeated. I want to ask your opinion as to whether you think that is what Americans call fair play, and the manly thing to do?

Midshipman DOUGLAS. No, sir; I do not think it is fair. It is merely a custom here, I think, that has passed down from class to

class. It is merely a custom. I do not think it is at all fair to the fourth class.

The CHAIRMAN. Do you not think it is rather a cowardly practice?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Every man should have a fair show, as we believe. We think it is exceedingly cowardly—at least the people, as far as I know, think it is; they used to think it was when I was a boy—for a large, strong, old boy to pitch onto some smaller boy, where it is certain that he can whip him. That was always considered cowardly, when I was a boy, and, as far as I know, it is now. A man can not get a reputation for courage by attacking those who are weaker than himself. That would be considered anywhere a cowardly practice, would it not?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Is not that the practice that prevails in class fighting, that in everything except weight, every advantage is on the side of the upper classman?

Midshipman DOUGLAS. Usually; in fact it is always. They are usually equal in weight, but I suppose the upper classman is in better physical condition, probably from the training he has had at the Naval Academy, and on the cruise.

The CHAIRMAN. Mr. Douglas, do you know of any benefits that come to the students here by means of these practices that maintain under the system of hazing and running?

Midshipman DOUGLAS. Any benefits resulting?

The CHAIRMAN. Yes; to the students?

Midshipman DOUGLAS. Why, I suppose it teaches you to obey your superiors, to have more regard for your superior officer. I suppose in that way it does some good. Otherwise probably it does not.

The CHAIRMAN. This is a book called Articles for the Interior Discipline and Government; you have it, I suppose?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. You have noticed the regulations here——

Midshipman DOUGLAS. I do not know them very well; no, sir.

The CHAIRMAN. I suppose you have read them over once?

Midshipman DOUGLAS. No, sir.

The CHAIRMAN. How do you avoid getting demerits under these regulations, unless you know them?

Midshipman DOUGLAS. You know more of the regulations by custom than in any other way. We read the more important ones. I know most of them.

The CHAIRMAN. Sometimes you refer to this where there is some question about the regulations?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. There seem to be a good many hundred of them in here.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. It seems to me that a boy going through here, a young fellow coming in, if he obeys all of the rules for his conduct that are laid down in this book, would find the twenty-four hours pretty well taken up, without taking on a lot of additional rules prescribed by each one of 240 fellows in the class above him?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. What useful trait does it develop in an officer of the Navy for an upper classman to require a freshman to come around in full uniform every morning at 5 o'clock and open his window, and lay out his clothes, wind up his clock, and perform such services in the room as may be required?

Midshipman DOUGLAS. It does not do him any good at all. I was not thinking of that when I said that it would do some good in the service. I was thinking that if an upper classman speaks to him and tells him to do a thing, he should do it; not in the line of physical exercise, such as opening a window, or coming and waking him up.

The CHAIRMAN. Give us an example of something that an upper classman would tell a lower classman to do which you think would be for his benefit.

Midshipman DOUGLAS. If a fourth class man was sitting at table and lounging over the table and was not using his knife and fork properly, or made some mistake in etiquette or conversation, or a slight mistake in other matters, I think it a very good suggestion that an upper class man should correct him. Lots of midshipmen come here who have not had a great deal of experience in social lines, I suppose. A great many of them come from the country and someone has to tell them and direct them in their etiquette.

The CHAIRMAN. How do they go about that? Does anyone who happens to sit around him volunteer for the service?

Midshipman DOUGLAS. No, sir; if anyone sees him make a mistake at the table, anyone would correct him.

The CHAIRMAN. How would they do it?

Midshipman DOUGLAS. They would just tell him what was right and what was wrong. I suppose there are some boys who come from the country, and some in the fourth class, who use their knives instead of their forks. That would be a great mistake, after a person has finished here and become a naval officer, to go to any social affair and make a mistake like that. I think that would be a disgrace to the service.

The CHAIRMAN. Did you ever go up to Admiral Brownson's house, or up to the admiral's house—whoever the admiral happened to be—and take lunch or dinner?

Midshipman DOUGLAS. No, sir.

The CHAIRMAN. I suppose the young men are invited up there sometimes, are they not?

Midshipman DOUGLAS. I have been up there with a party. I think they invited the football team up there, but I have never been to dinner with him as one person.

The CHAIRMAN. Some of the upper class men, I am informed, are occasionally invited there for some purpose—to dinner or to luncheon?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. You know they have a good many forks at dinners nowadays—five or six. It requires a liberal education to know just what to do with each one of them.

Midshipman DOUGLAS. That is what I was referring to.

The CHAIRMAN. If you and your fellow class men were up to Admiral Sands's house some night to take dinner, and you made some error in selecting the proper fork, or some other little error—any infraction of table etiquette as it exists nowadays—what would

you say to having a lieutenant of the Navy, who is your superior officer, in the presence of the rest of the company, call your attention to the fact? Would that wound your sensibilities somewhat and hurt your feelings and make you feel humiliated?

Midshipman DOUGLAS. Yes, sir; in the presence of the company I suppose it would. But here is a midshipman, where we all know each other, and I suppose it is altogether different.

The CHAIRMAN. Yes; you all know each other there.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. We will assume that you are a young man of intelligence, as you of course are. Would you not be likely to notice those things yourself?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. And if you made a little error of that kind, being an observing young man, such as we expect to find here in the academy, you would observe the conduct of others—I know I very frequently have to watch others in order to know that I am right—and then the next time you will know, and nobody has to humiliate you by speaking about it. And if you have failed to notice it, could it not be done by the lieutenant who has noticed the matter, by speaking to you quietly, so that you would feel he was your friend and wanted to help you? Would not that be a better way than for some one to speak up brusquely and call your attention to it?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Why would not the same rule apply in the mess room, where seven or eight hundred young men are from different points of the country—young men of a good deal of attainment along some line? They may not have had an opportunity to perfect themselves on table etiquette, but all of them had had to study pretty hard to gain admission to the academy, and they are pretty well educated along a good many lines. Why would it not be proper for an upper class man who notices that to call his attention to it privately?

Midshipman DOUGLAS. I suppose it would be.

The CHAIRMAN. And give him an opportunity to correct himself, instead of speaking about it publicly and roughly in a way which certainly brings with it humiliation?

Midshipman DOUGLAS. Yes, sir; I suppose it would be better.

The CHAIRMAN. Do you think hazing would be necessary, of any description, to correct that boy and to teach him correct table manners?

Midshipman DOUGLAS. No, sir; if someone would take a personal interest in him I suppose it would be better if he were corrected privately.

The CHAIRMAN. It would take no more breath to do it in that way than to shout out to him across the table and expose him to ridicule. I am merely trying to draw out from you some of the instances where it may be presumed that hazing in any of its various forms is productive of any good. We will assume that you are correct, that there are instances where some benefits along the line you speak of may be conferred upon lower class men. Still, do you not think such benefits are offset one hundred times by the injuries which are liable to grow out of such a system, where anyone of three, four, or five hundred men may practically set up for himself a rule of conduct which may be enforced upon lower class men by means of hazing, with the pen-

alty of a fight behind it if the lower class man does not agree to it? Do you not think the experience here in the last few months, the experience at West Point five years ago, and the experience every time when hazing is taken up in a school, shows that in the end it is disastrous to the peace of the school, and that in the end it disturbs the students in their studies, subjects some of them to dismissal, and a great many of them to censure? With that in view, do you not think that any benefit such as may grow out of it is offset a hundred times by the injurious effect along other lines?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Is that the result of your observation as you have come to look at it in the last few months?

Midshipman DOUGLAS. I do not understand exactly your meaning.

The CHAIRMAN. Is that the result of your observation in the last few months, that hazing as it runs along and spreads and grows, brings with it very much more injury—one hundred times more injury—than any benefits that can possibly come out of it?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Do you not think so?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. It enables the boy who has something of the bully in his nature to exercise it under the form of regulations of his class. It permits him to assume to put regularity behind it.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. It results frequently, in the hands of young men who are reckless, in the death or painful injury of some student. Mr. Douglas, the law of Congress that I have read to you to-day is in full force and effect. The superintendent of this academy has no discretion. It is not a question of discretion with him. His duty is to obey the law of the United States. It is not a matter of choice, but a matter of absolute duty. That duty requires him, whenever he can hear of a case of hazing in this institution, to convene a court-martial and to bring the cadet who is accused of hazing before that court-martial and to endeavor to secure evidence sufficient to convict him of it. Upon conviction, he shall be summarily and forever dismissed from this institution. That is the law which he is bound to obey. Our understanding is that since the student body of this school were released from their agreement by Admiral Brownson hazing has been very prevalent in this body and has affected almost the entire student body, with a few exceptions. That is, that there are several hundred in this institution who have subjected themselves to the penalties of this law of 1903, and if the facts could be brought before a court-martial they would be liable to dismissal. Ten or twelve have already been dismissed from the institution. In some cases the court-martial, I understand, has believed that the degree of hazing which they practiced did not merit dismissal, but they had no option under the law. They have no option now.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. By order of the President of the United States, I think I may say at the request of the members of the Naval Committee of the House of Representatives the court martial has been temporarily suspended. We have been sent here as a committee to inquire into the conditions which prevail here. We especially desire to know, in view of all that has taken place here in the last few months, what

the opinion of the student body here now is upon the subject of hazing. We desire to know what their opinion of it is, and further to know what their intentions are in regard to the practice of hazing in the future.

Midshipman DOUGLAS. Since these courts-martial have been going on I think they have taken it very seriously. I do not think there is any hazing that has been going on at all. It does not seem to me that there is going to be any more hazing. I think it has gone for good.

The CHAIRMAN. If we report to Congress that notwithstanding the law of the land and notwithstanding the results of hazing as shown here in the last two months the sentiment of the student body here is still in favor of the practice of hazing, I feel very sure that Congress would say "There is nothing for us to do. Let the law be enforced. Let the Superintendent of the Naval Academy convene his court-martial and proceed to convict students of violations of law, even if it takes the last student in the academy, and then we will get in a fresh lot of young men from the body of the people and see if we can stamp out the practice of hazing in that way."

I think it is the opinion of Congress, and it would be fully indorsed by the people of the country. We believe that it would have a very marked influence upon whatever action Congress might take, if they should know that the opinion of the student body here, after what has happened, and after the law has been called to their attention, is that hazing should be discontinued, and that it would be done in part at least by the efforts of the students themselves. In other words, that they have set their faces against hazing, that they believe the injuries resulting from it offset any possible good that they think comes out of it, and that in the future they who remain in the academy would do the best they could to discourage hazing of all kinds—I think if this committee could report truthfully to Congress that that is the feeling of the students here, it might have a very marked effect upon the action of Congress.

Midshipman DOUGLAS. I think that is the prevailing opinion now; in fact, I am almost sure there is no hazing at all. I know of none.

The CHAIRMAN. Do you know that at West Point five years ago, when hazing became very prevalent there and several students lost their lives as a result of it and when there was a Congressional investigation ordered, that all the separate classes there met voluntarily—that is, as their own action—and put in the form of a resolution their intention to thereafter discountenance and discourage all practices of hazing?

Midshipman DOUGLAS. I did not know that; no, sir.

The CHAIRMAN. That was the action of the student body. I think we have a copy of their action in a report. This took place in the latter part of 1900, and the first part of 1901. They make this statement: "Having become cognizant of the manner in which the system of hazing as practiced at the Military Academy is regarded by the people of the United States, we, the cadets of the United States Military Academy, while maintaining that we have pursued our system from the best motives, yet realizing that the deliberate judgment of the people should, in a country like ours, be above all other considerations, do now reaffirm our former action abolishing the exercising of the fourth class men, and do further agree to discontinue hazing—the

requiring of fourth classmen to eat anything against their desire"—That was the tabasco habits that they acquired there, you know—"and the practice of 'calling out'"—That is, the class fights—"fourth class men by class action—and that we will not devise other similar practices to replace those abandoned."

That is signed for the first class by W. Reese Bettison; for the second class by B. O. Mahaffey; for the third class by Quinn Grey; for the fourth class by Joseph A. Atkins.

I think that action on the part of the students at West Point had a very marked effect on the action of Congress. Have you any knowledge, so that you can express it to the committee, as to what the feelings of the men in your class are about it now?

Midshipman DOUGLAS. No, sir; I do not know that I could express the opinion of the body, but I know a great many have come to me and suggested it, and I think the other two classes, too, that we as classes write out a statement similar to that and send it to the superintendent, or to Congress, if it would do any good. But it was never carried out to any further extent.

The CHAIRMAN. I think our committee approves of the action of Superintendent Sands in not desiring to make any agreement with the classes.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. That is, we look upon that very much as if a colonel of a regiment should ask his men if they would please obey the orders that were given to them by him, when they are supposed to obey the orders. They have taken the oath of allegiance to the country and they have taken an oath to obey orders and regulations. They are supposed to obey them. I do not think Admiral Sands erred in taking the ground that he could not ask the students here, who have already sworn to obey the regulations, whether they would or would not do so. But I think Admiral Sands, as well as Congress, and the country, would be glad to know the frame of mind of the students upon this subject, voluntarily given—what their opinion is after the experiences we have gone through. We should be very glad to carry back to the House of Representatives information, if it can be truthfully given, that the members of your class, in view of all that has happened and in the light of their experience, feel that hazing ought not to be practiced, and that they will do all they can to discourage it, and that they will do all they can to create a sentiment in the student body against all forms and practices of hazing. We shall be in session probably a good share of next week, Mr. Douglas. If you can bring us any further information as to the feelings of the class of which you are president, we shall be very glad to receive it during that time.

Midshipman DOUGLAS. Yes, sir; I think the class as a body, and I think all the other classes, have practically abolished hazing; and I think the sentiment is very strong against it since what has taken place.

The CHAIRMAN. I understand from what talk we have had with the men who represent the first class next year—now the second class—that a very large proportion of all the classes are in favor of doing away with hazing and of discountenancing it, and furthermore notifying the fourth classmen when they come in of what has been done, and that if any hazing is attempted upon them they are at full liberty and encouraged to refuse to obey it. That action, of course, would

do away with it, and if you should be able to bring us a fuller expression of the class opinion on it before we finish our investigation, we shall be very glad to have you do so.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. What other point do you think we could take up, gentlemen?

Mr. DAWSON. There are one or two things in the way of a little more information that I would like to draw out.

The CHAIRMAN. Go ahead.

Mr. DAWSON. Mr. Douglas, have you had any experience with a custom known as "cussing out," and can you tell the committee just what it consists of?

Midshipman DOUGLAS. Cussing out is probably resorted to for something that a fourth classman has done that the upper classmen does not think proper, and he expresses his opinion on the subject very forcibly. I think that is the way it is done—using a little swear words in expressing his opinion. That is what they term cussing out.

Mr. DAWSON. Is it the practice sometimes—as a species of hazing, I presume—for an upper classman to require a fourth classman to, we will say cuss out the commandant?

Midshipman DOUGLAS. I have never heard of that.

Mr. GREGG. Not to his face?

Mr. DAWSON. No; but in the room in his absence. There is one thing more I wanted to ask. What are the relations between the cadets and the disciplinary officers of the academy? That is, if lower classmen should get into trouble, do they feel at perfect liberty to go and talk with these disciplinary officers—these four lieutenant-commanders?

Midshipman DOUGLAS. Do you mean the officers in the Navy or the midshipmen officers?

Mr. DAWSON. The naval officers.

Midshipman DOUGLAS. No, sir; I think it is very seldom that they consult an officer.

Mr. DAWSON. If they have any grievance it is their custom to make inquiry of their cadet officers, is it?

Midshipman DOUGLAS. I do not know about that. I think they usually discuss such matters with their classmates, and ask their views on the subject or some suggestions.

Mr. DAWSON. Do you know whether cadets are encouraged to consult the disciplinary officers—the four naval officers who are the disciplinary officers? Are the cadets encouraged to consult them in case of trouble or anything that they do not understand?

Midshipman DOUGLAS. I think the officers want them to come to them if they have any trouble that they wish to have expressed or to have explained to them.

Mr. DAWSON. Yet it is not the practice of the boys to do it very freely.

Midshipman DOUGLAS. No, sir.

Mr. DAWSON. Those are about the only things I care to ask.

The CHAIRMAN. I wish, Mr. Douglas, that you would get the opinion of your class, and willingness to discourage class fighting as well as hazing. By class fighting we mean what we have defined here.

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. Where there may be no personal difference, and

where the selection is made by the president or a committee of the upper class men. I am not talking about personal fights, but class fights.

Mr. DAWSON. There is one thing more. Do the cadets regard a regulation in a different light from an order of the superior officer posted on the bulletin board?

Midshipman DOUGLAS. No, sir; the regulation is regarded very highly, I think.

Mr. DAWSON. Is one considered as superior to the other?

Midshipman DOUGLAS. No, sir; all orders issued here are considered as regulations, I think, although the regulations, I suppose, are considered more important than orders that are issued. I think they are considered as laws of the country are considered by the people.

The CHAIRMAN. No examination of any kind is held on these regulations?

Midshipman DOUGLAS. No, sir.

Mr. DAWSON. Has an order posted on the bulletin board any more binding effect?

Midshipman DOUGLAS. Any order, I suppose, is more readily obeyed, because a midshipman may not know every regulation that is in the book, and the orders are right there before him.

The CHAIRMAN. It has a little more effect, because it is fresh?

Midshipman DOUGLAS. Yes, sir.

The CHAIRMAN. That is all to-day, Mr. Douglas. We may ask you to come back next week, and in case you have any additional information for us we would like to have you come anyway.

Midshipman DOUGLAS. Yes, sir.

The subcommittee (at 4.30 o'clock p. m.) adjourned until Tuesday, February 20, 1906, at — o'clock.

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., February 20, 1906.

The subcommittee met at 3.30 o'clock p. m., Hon. E. B. Vreeland in the chair.

STATEMENT OF CAPT. G. P. COLVOCORESSES, U. S. NAVY.

The CHAIRMAN. Captain, this is a subcommittee of the Naval Committee of the House of Representatives. We are sent here to obtain such information as we can relative to the discipline and management of the academy, particularly as it relates to hazing. By order of the President and Secretary of the Navy, officers attached to the academy are directed to appear before the committee and give such information as may be desired, and as they are able to give.

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. We are not, therefore, administering the oath to the officers.

Captain COLVOCORESSES. Yes, sir. I will be very happy to give you any information in my possession.

The CHAIRMAN. Captain, you are a graduate of the academy?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. In what year did you graduate?

Captain COLVOCORESSES. In 1869.

The CHAIRMAN. Have you been here very much since your graduation, until your present attachment

Captain COLVOCORESSES. Yes, sir. I have been here on two terms of duty, one ending in 1890 and the other ending in 1897—four years each time—which makes eight years that I have been here on duty since I graduated out of the academy.

The CHAIRMAN. You have kept, then, quite familiar with the academy here?

Captain COLVOCORESSES. Yes, sir. I was in one of the academic departments. I was head of the department of drawing during those terms.

The CHAIRMAN. Did you have what we call hazing when you were a student here?

Captain COLVOCORESSES. Not to any great or organized extent. When I entered the academy it was at Newport, R. I. The midshipmen of the fourth class who entered were quartered on board the *Santee*, which was then at Goat Island. The third class men were on the old *Constitution*, and the second and first classes were in Newport, at the Ocean House. Therefore those two classes were entirely separated from us. The third class was the only class that ever attempted any such thing as hazing. We used to call it "running" in those days, and it consisted chiefly in coming on board the ship after the hammocks had been hung, getting underneath a fellow's hammock, and boosting him up, or perhaps cutting the clews of the hammock and letting the occupant down. It was merely horse play. There was no organization about it. It was simply such things as boys would do among themselves. The second and first classes never, to my knowledge, took part in anything of that kind, and the first class men were looked upon as officers. We never presumed, in any way, to be familiar with them, nor did they do anything of the kind to us. They were very dignified, and the relations were exceedingly pleasant. For instance, I used to go over on Saturday afternoon to Newport, whenever I could, and my greatest friend in the academy at that time was the adjutant of the first class. We would go and walk together, and go into Brunnenger's and eat cream cakes together. That was the extent of our dissipation. The most pleasant, friendly relations existed.

The CHAIRMAN. In your other terms of service here, what came to your knowledge in relation to hazing. Did it exist to any extent?

Captain COLVOCORESSES. I used to hear rumors of hazing. During my last term that ended in 1897, I remember hearing that they used to stand them on their heads, and make them do things of that kind occasionally. We would hear a little rumor of it, but never anything to any extent. There was nothing organized that I ever knew of.

The CHAIRMAN. Your duties then would not necessarily put you in touch with that here?

Captain COLVOCORESSES. Nothing, except what happened in the class room.

The CHAIRMAN. Except what came to your ears?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. You are the principal officer, next to the superintendent, in the disciplinary system here?

Captain COLVOCORESSES. Yes, sir; I have that honor.

The CHAIRMAN. You are the one who comes directly in contact with the cadets?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. In enforcing the regulations and in carrying out the orders of the superintendent?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Captain, give us, in your own way, the disciplinary system which prevails here now, under your charge.

Captain COLVOCORESSES. When we came here, sir, you know the academy at that time had been in two separate places. One of the old buildings here, known as the "Annex," has since been torn down. A portion of the midshipmen were down in what is known as Bancroft Hall. That had been the practice. Then they went on the practice cruise, as it is called; and when I came here on the 26th of June last, the fourth class was the only class of midshipmen here. They were organized as a battalion of infantry, with companies, each company having its officers and subofficers; and in all formations and in drills they followed exactly the system used in the Army. But in the matter of reports and things of that kind we had officers in charge, who were detailed from the instructors in the various departments here. They came on duty for a day, and attended to their own vocations, in recitations, and so on; and in that way we were getting on, with the cadets, or midshipmen, detailed daily as officers of the day.

The CHAIRMAN. You refer now to your present term of service here.

Captain COLVOCORESSES. Yes, sir; when I came in June last—the 26th of June. The boys were exceedingly docile and behaved very well. There was not any trouble at all. Not long after I came—I think it was in the month of September, or before that—others who had been dismissed or had dropped out, oldsters in a way, that had had a year's experience here, began to drift in for the examinations and admissions during the summer. We always find that when those who have been here before and have got onto all the tricks come back, they are apt to impart them to the newcomers, and they get into a little more mischief. Then, also, I think it was in September, several midshipmen who had failed in their studies and had been assigned to the academy for the purpose of making up those studies, were doing extra instruction here; also those who had been found deficient in conduct, and who had behaved very badly on the cruise, were deprived of their leave and sent here.

The CHAIRMAN. Can you tell us how many of the older classes were here during September; about how many?

Captain COLVOCORESSES. I should think perhaps twenty, approximately. That caused a new leaven to enter into the academy, and there was, of course, more trouble. That is, none of the reports at that time were particularly bad. One midshipman was dismissed very soon after we came here, I remember, for repeated Frenching and giving some talk to a sentinel; and his other conduct was so bad that he was recommended for dismissal—a Mr. Hutchins.

Then, as you know, sir, the academy was to have commenced on the 1st of October, according to schedule time, but owing to the prevalence of diphtheria here they had to go through all sorts of changes and variations. We put the midshipmen on board the *Newark* here. We put them on the *Hartford*. We sent them up here and they had

to be fumigated. All their clothes had to be fumigated. They had to be taken from that large Bancroft Hall and put down on the *Hartford*, and kept under very close observation by the surgeons. When they got better their clothes were all fumigated, and they were given a bath in the gymnasium and sent up to the old Annex, which is now torn down, until they were pronounced entirely free from contagion.

The CHAIRMAN. That was in September?

Captain COLVOCORESSES. That was in September. So it was not until the 15th of October that we got back into Bancroft Hall, and the academy went on then.

The CHAIRMAN. The fourth class comes in in July, does it not?

Captain COLVOCORESSES. They are supposed to come in in June, sir, and the examinations continue all along. Most of them come in June, and then in cases where they have not been appointed promptly, where others have failed, they come dribbling along until nearly October 1st.

The CHAIRMAN. Are the other classes here in June?

Captain COLVOCORESSES. They go on the cruise at that time. They do not mix with the newcomers at that time.

The CHAIRMAN. They start on the cruise about June?

Captain COLVOCORESSES. Yes, sir; about the 1st of June.

The CHAIRMAN. What time do they return?

Captain COLVOCORESSES. They return the 1st of September, sir. Then they take a month's leave during September, and come back on the 1st of October. Then the whole academy assembles, and goes ahead.

The CHAIRMAN. What do you do with the fourth class during the time when you have them here alone? How do you start off?

Captain COLVOCORESSES. We start off first to give them the setting-up, under the athletic teachers and the sword masters. Under the supervision of the officers of ordnance, down in the gymnasium, they have regular drills in seamanship, in gunnery, and very largely in all sorts of infantry maneuvers. Of course they have to be set-up first, and given their bearing. Then they give them their muskets, and they go through the evolutions; and it is to their credit to say that during this summer those fourth class men were perfectly able, at the end of September, to go right in with the whole battalion and drill as a brigade, without any trouble at all. Then they have swimming exercises when they have leisure. Then they have French. French is taught them now during the summer. They did not have it formerly. That is the only thing they have to study.

During recreation hours they may use the boats here to go out sailing. We have quite a large number of different kinds of boats. They can go up and down the river, and they have ball and tennis and all kinds of things in the courts and grounds which you see about us. I think the time is exceedingly pleasantly allotted for the boys. They have a great deal of freedom.

The CHAIRMAN. Who appoints the cadet officers.

Captain COLVOCORESSES. I think they were all appointed last year upon recommendations left by the former commandant and others, who had, I presume, formed a board to determine. I understand it was largely determined by their good performance as drill officers. The system we have employed this year has been this: First we consider a man's class standing, and other things being equal, we would

give the first man in the class the highest position. Then we consider the cruise reports, the reports that he had when he was at sea on the cruises; his conduct while here, and the reports of the divisional officers—the four officers who are in the department of discipline, and who have the four different divisions of the academy—with whom they are intimately brought in contact; also by conferring with the officers of the discipline department. From those factors we determine who is to be a cadet officer.

The CHAIRMAN. The cadet officers who were in charge of their companies during this hazing outbreak—where are they?

Captain COLVOCORESSES. Where are they now, sir?

The CHAIRMAN. Yes.

Captain COLVOCORESSES. They have left the academy, sir. They have all gone to sea. They graduated the 1st of this month.

The CHAIRMAN. Or have been dismissed by court-martial?

Captain COLVOCORESSES. Yes; some of them.

The CHAIRMAN. So that you have now all new cadet officers?

Captain COLVOCORESSES. They are all new.

The CHAIRMAN. By whom are they appointed?

Captain COLVOCORESSES. I say they had as second class men a certain number of what we call petty officers, which correspond to corporals and sergeants in the Army. A certain number of second class men were petty officers, and I think with few exceptions—a few of them have changed—they are still continued in the brigade as petty officers; or some of them have gone up higher, according to their deserts as we understood them. They were appointed, sir, by me through the superintendent.

The CHAIRMAN. On your recommendation?

Captain COLVOCORESSES. On my recommendation and by full and free conference with all the officers who knew them.

Mr. DAWSON. The cadet officers are all taken from the first class, are they?

Captain COLVOCORESSES. They are in this case now. We have a very large first class—much more than enough to supply cadet officers and petty officers. The system last year was to take the petty officers from the second class.

The CHAIRMAN. The selection of these officers, then, was made according to the system you have just described?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Also their standing in studies and proficiency in drill exercises?

Captain COLVOCORESSES. Yes, sir; and their conduct, as set forth in reports from the cruise, where they had been under sea conditions.

The CHAIRMAN. These boys that are sent to sea have to stop their studies, of course?

Captain COLVOCORESSES. They do not study, except——

The CHAIRMAN. What becomes of those boys?

Captain COLVOCORESSES. The system of late years has been, due to the fact that they had no practice ships or could not have enough to take all of this great brigade of midshipmen, to send them on board vessels of the Atlantic Squadron. There they went on board the regular cruisers and ships and were given various duties. Some would be sent into the engine room; some would be on deck; some

would be on the signals. They would be divisional officers, officers of the fore-castle, officers of the quarter-deck; some would go in the boats and do the duties that midshipmen usually perform.

The CHAIRMAN. What eventually becomes of them? How soon do they get back to the academy?

Captain COLVOCORESSES. They come back on the 1st of October, ready to go on as first class men. They are then the cadet officers here again, and they go ahead until they graduate. In this case, you see, they graduated the 12th of February. But pardon me; you mean after graduation?

The CHAIRMAN. No; I am talking about these cadet officers that have been sent to sea as punishment.

Captain COLVOCORESSES. Oh, about them.

The CHAIRMAN. Yes, sir; they are now at sea, I understand.

Captain COLVOCORESSES. They are at sea.

The CHAIRMAN. What happens to them in the future? How do they get back here, and when; and what place do they take when they come back?

Captain COLVOCORESSES. They are no longer midshipmen attached to the academy. They have ceased to have any connection with the academy. They have graduated from this academy. But, as you know, sir, in the Navy a midshipman is required to perform two years' service at sea after graduation. Then he is eligible to become an ensign, and he becomes then a commissioned officer. Not until then is a midshipman a commissioned officer.

The CHAIRMAN. Then these boys, who failed as cadet officers to report violations in relation to hazing and other things, have simply gone to sea with the rest of their class?

Captain COLVOCORESSES. Precisely, sir. They have nothing more to do with the academy.

The CHAIRMAN. I got the impression that they were sent immediately to sea as a punishment. They graduated with the balance of the class, and have gone to sea with the class?

Captain COLVOCORESSES. Yes, sir. I think I can make that clear to you, sir. Some of those whose behavior was particularly bad, by authority of the Department, instead of getting two weeks' leave, that is usually granted to midshipmen, and which all the others got before going on board the seagoing ships, were sent immediately on board ship, so they did not get that two weeks' leave at home.

The CHAIRMAN. That is the punishment they received?

Captain COLVOCORESSES. That is the punishment they received.

The CHAIRMAN. Besides being reduced from their positions as officers—or was not that done? Were they not reduced to the ranks?

Captain COLVOCORESSES. Yes, sir; those who took part in the Branch-Meriwether fight.

The CHAIRMAN. The cadet officers who failed to report violations—were they not put back in the ranks?

Captain COLVOCORESSES. I only remember those cases—I think there were about four—of midshipmen who took part in the fight. There were some others who dribbled in afterwards, but I do not think they were punished for that by being sent to sea. They all graduated together.

The CHAIRMAN. There has been no hazing, I suppose, for how long? Since the court-martial commenced its operations?

Captain COLVOCORESSES. I think there has been absolutely none since then. We do the best we can to find it out. We are not policed. If you have not been in the building I should like to have you gentlemen see it.

The CHAIRMAN. We have been through it.

Captain COLVOCORESSES. There is a vast labyrinth of corridors and rooms, of halls and underground passages. Up in the mansard passages all around the fifth story there are dormer windows where they can get out and communicate all around the roof. The building was never constructed with a view to close surveillance. We have six masters at arms, who are appointed men. They have been either old marines or sailors who have done the office of master at arms, which is something like a police officer, on board ship. They are in charge of the corridors and halls. They are very excellent men, and they do what they can; but, of course, in such a vast building as that they are quite lost, and from their position as privates they do not interfere very much with the midshipmen. But they are always instructed to tell us, and they do very often tell us, of infractions of regulations.

Then there is one officer there who is always on duty—the officer in charge—who is a commissioned officer. He has to sit in his office a great deal, because there are hundreds of these young men coming in and asking questions at all times. He has to make regular inspections of buildings and rooms, as far as he can, in order to help things. The other three officers of that department are there every morning and make inspections of their particular divisions, the whole corps of midshipmen being divided into four divisions. It gives about 250 men to each officer. The midshipmen are instructed to go to them with all their little troubles and ask their advice, and to be helped. These officers inspect their rooms and inspect them to see that they are dressed properly. They do duty daily, night and day, as officers in charge.

There is also a marine orderly—the only one down there. I have been trying very hard to get more police force, but conditions are such that we can not get more men or more officers here.

The CHAIRMAN. Do you think, Captain, that you should have more assistants—more disciplinary officers—at your disposal, both at Bancroft Hall and in the mess room?

Captain COLVOCORESSES. I think Admiral Dewey stated the case very clearly. If we can carry out our present system and hope of educating the cadet officers up to the proper idea of duty, we can get along very well. If we have got to adopt a system of watching these boys, we have got to have a very great number of officers and keep them constantly under supervision.

The CHAIRMAN. The failure, then, of the system of self-government by the cadets through their own officers would necessitate having a very large number—I suppose 50 would not be any too many—to supervise them—that is, if it had to be actually done by your disciplinary force?

Captain COLVOCORESSES. It would take twelve officers, some of them living day and night in the buildings, at least. The system at West Point, as you know, is different. They have all bachelor officers as officers in charge there. They have six, I think, and they sleep in the building. Our officer in charge is there day and night, and he

sleeps there whenever he is on duty. The buildings are very differently arranged, and I think they can keep them under closer supervision than we are able to do, due to the arrangement of Bancroft Hall.

The CHAIRMAN. Then three months from now, under your present system, how will you find out that hazing does not exist, when the courts-martial have ceased to work and the interest in this matter has abated?

Captain COLVOCORESSES. By doing just what was done in this present case, sir; having a court of inquiry sit, with power to administer oaths, and call the midshipmen up and make them testify.

The CHAIRMAN. You would do that at irregular intervals, whether any direct evidence or notice came to you or not of the existence of hazing?

Captain COLVOCORESSES. Yes, sir; at irregular intervals. It is to be hoped that now the fourth class will come forward and let us know when anything of this sort occurs. I want to tell you very freely, sir, that, knowing boys and having heard that there was such a thing as hazing at the academy, I have been always on the alert, as far as I could be. I have called up members of the different classes during this summer and asked them if there was any such thing as hazing going on or if they knew of it. No, they did not know of it—nothing of the kind. I have asked the master-at-arms—no. The officers in charge—no; and none of them suspected it until the Meriwether-Branch fight came off.

The CHAIRMAN. What was the date of that?

Captain COLVOCORESSES. That was Guy Fawkes Day—the 5th of November.

The CHAIRMAN. Did that bring out knowledge that hazing was taking place?

Captain COLVOCORESSES. Yes, sir. Now, please remember the dates, gentlemen. It was the 15th of October that the academy opened, under these conditions, which had been very peculiar, and it was on the 5th of November that the Branch-Meriwether fight took place and when we began to get onto these things. So it had not been in existence so very long here.

The CHAIRMAN. This fight, I understand, was not a class fight, but a personal fight between the two men?

Captain COLVOCORESSES. It was and it was not, sir. I should say the class president and others arranged the fight as a regular Marquis of Queensbury rules fight. It was not a fight that would arise between two young men who lost their tempers and went at each other. If it had been that, I think there would have been no trouble. If, when Mr. Meriwether went to Mr. Branch's room the night he felt particularly aggrieved, and called Mr. Branch names, as he did, Mr. Branch had gotten out of his bed and had fought with Mr. Meriwether, as he asked him to do, there and then, I think there would not have been certainly any of these serious consequences following it. But that was not the case. They went off and arranged, or prearranged, a regular Marquis of Queensbury rules fight, which resulted as it did.

The CHAIRMAN. My understanding of a class fight and a personal encounter may be incorrect. I understand a class fight to be one which usually grows out of the system of hazing or running.

Captain COLVOCORESSES. I do not believe it has usually anything to do with hazing——

The CHAIRMAN. But in which the fight does not necessarily take place between two midshipmen on account of a personal difference.

Captain COLVOCORESSES. I see, sir.

The CHAIRMAN. But that one of the lower class men refuses to obey the system of hazing or running, and that therefore he is obliged to fight whoever may be selected by the upper class.

Captain COLVOCORESSES. I see, sir.

The CHAIRMAN. That is what I understand to be class fighting.

Captain COLVOCORESSES. This fight had two elements in it. The first was the personal element of dislike and grievance between these two men, Meriwether and Branch. Then the class rule applied as to what kind of a fight it was to be—a regular set fight. I never dreamed they had any such things here; that there was a regular rule. There are some of the first class who have just graduated who have told me they never knew they had these regular secret societies, as you might call them, by which such things are governed. They are kept very quiet, and only a very few men in the class knew anything about it. They would go to the president of the class and tell him their grievances and he would decide what kind of a fight it would be, and the seconds and timekeepers were appointed. And they were the only people who would be present.

The CHAIRMAN. But class fighting, as I understand the term——

Captain COLVOCORESSES. I think I understand what you mean. You mean where, for instance, a second class man would haze a third class man, and then the third class man would want to fight, and a man would be appointed out of the second class to fight him; and they would keep on fighting until that fellow was whipped.

The CHAIRMAN. Do members of the second class haze members of the third class?

Captain COLVOCORESSES. No, sir; they do not. I simply mentioned that as an illustration.

The CHAIRMAN. I supposed they were immune from hazing after they left the fourth class.

Captain COLVOCORESSES. They are.

The CHAIRMAN. And that class fighting would be between a member of the fourth class and one of the upper classes.

Captain COLVOCORESSES. Usually.

The CHAIRMAN. In which a man selected from one of the upper classes would fight the fourth class man because of the refusal of the fourth class man to obey orders.

Captain COLVOCORESSES. I see.

The CHAIRMAN. In relation to hazing, running, and rating.

Captain COLVOCORESSES. Yes, sir. I do not think the Branch-Meriwether fight was any such fight as that.

The CHAIRMAN. It was merely a personal fight?

Captain COLVOCORESSES. Yes, sir; and I do not know of any such fight having taken place here at all.

The CHAIRMAN. Since you have been here this time?

Captain COLVOCORESSES. Since I have been here.

The CHAIRMAN. Meriwether belonged to what class?

Captain COLVOCORESSES. Meriwether was in the third class and Branch was in the second class.

The CHAIRMAN. Yes.

Mr. PADGETT. Captain, you spoke about the cadet and petty officers. At present are any of them appointed from the third and fourth classes?

Captain COLVOCORESSES. None of them, sir. They are all of the first class, or the senior class now present. They are really the second class until next June. Our classes have got a little mixed up, due to the shortening of the time.

Mr. PADGETT. I understand you designate them as the senior class.

Captain COLVOCORESSES. Yes, sir.

Mr. PADGETT. Are any officers of any kind appointed from the third or fourth classes?

Captain COLVOCORESSES. None whatever, sir. But last year it was different. There were the lower grades of petty officers—we might call them corporals—appointed from the second class.

Mr. PADGETT. Were any ever appointed from the third or fourth classes?

Captain COLVOCORESSES. No, sir. At West Point they go down to the third class and take them in. Our system is different.

Mr. PADGETT. I had gotten the impression from what had occurred, or what I understood had been testified to, that they had reorganized here so that cadet and petty officers were distributed among the four classes.

Captain COLVOCORESSES. No, sir; never. But I would say this, in the way of explanation. Of course, when the fourth class are here alone then we have to give all the cadet officers and everything else to them, and they become adjutants and everything. They have a full chance.

Mr. PADGETT. That is temporary, during the vacation?

Captain COLVOCORESSES. Yes; as I say, they respond splendidly to it.

Mr. PADGETT. I am speaking of during the school term.

Captain COLVOCORESSES. During the regular school term last year there were first and second class men as cadet and petty officers. This year there will be only first class men.

Mr. GREGG. I think, Captain, you said you did not consider that the Branch-Meriwether fight had any connection with hazing.

Captain COLVOCORESSES. No, sir. If you desire, I will tell you what Meriwether told me was the true cause of the fight, and which never came out.

The CHAIRMAN. I would like to hear it.

Mr. GREGG. Yes; state that please.

Captain COLVOCORESSES. I do not think I am breaking any confidence. He came to my room once and said, "Captain, I have never told what the real cause was." He said, "I have got a grandmother in Louisiana who is a very old lady. She does not write well. Her sight is bad. She also has a pretty dark complexion. I had a photograph from her, and with it a letter written in very crabbed, old-fashioned handwriting. It was lying on my table, and Mr. Branch came into the room and commenced to make fun, and to criticise the writing. He said a person who had correspondents of that kind could not be much," and so forth and so on, and he also commenced to make remarks about the looks of the grandmother in the photo-

graph. That is what he told me was the real origin of that fight, So you see it had nothing to do with any class business whatever.

Mr. GREGG. Now, then, you said that you knew nothing, or had no information, about hazing existing here prior to the Branch-Meriwether fight.

Captain COLVOCORESSES. No, sir. I had received two anonymous letters from a person calling himself Moses Green in the town of Annapolis, stating that there was hazing, in the way of men having to eat under the table. This last information came to me a little while before that fight.

Mr. GREGG. But after you got that letter——

Captain COLVOCORESSES. I inquired carefully who there was by the name of Moses Green in Annapolis. I could not find anyone. I asked all the servitors about the place if they knew such a man. I thought it was a colored man. I had been informed that some of the mess-hall boys had, in years previous, in order to excite a stir, written anonymous letters of this same character, denouncing midshipmen, and so on, and I was very desirous, if possible, to find out who this person was. I called up every midshipman by the name of Green, to see if he had any connection out in town, thinking it possibly might be a parent or a friend.

On one occasion when I first came, a lawyer in the town named Mr. Owen, met me one morning. I had a pleasant speaking acquaintance with him. He said that he was afraid some of those boys were going to be hazed. I said: "Mr. Owen, if you will tell me at any time of any boy that is hazed, or give me the names of the hazers, that is all I ask, but I can not act on this information, which is without any authority whatever. You see, the boys come out and tell you things. Will you mention the name of any boy to me?" No, he would not do that. Then I said, "It is strange. I call up these boys and I ask them if they are being hazed, and there is not one who ever says he is." What are you going to do? People in Annapolis have said they have known this. They have so stated in the papers, in reports. You know the boys will come out and sometimes they will spin yarns to them, and tell, I think, pretty fishy stories, and they will excite sympathy; but what they say can not always be taken as the gospel truth. But to get any concrete, absolute, positive facts was utterly impossible until we got onto this fight in the Branch case.

Mr. GREGG. That is the effort you made to identify Moses Green?

Captain COLVOCORESSES. Yes, sir.

Mr. GREGG. You failed to identify him.

Captain COLVOCORESSES. Entirely, sir.

Mr. GREGG. What, if anything, was done toward the increase of the surveillance in the mess hall, to find out whether or not this information was correct?

Captain COLVOCORESSES. I called up all the officers, and I showed them all these letters—all the officers in charge—and told them these stories, which nobody believed, were in circulation, and told them to keep a particular watch and ward; and they did.

Mr. GREGG. There was only one officer in charge?

Captain COLVOCORESSES. Only one officer in charge. He sits in the center of the mess hall.

Mr. GREGG. Those instructions, you say, were to use extra precautions to see whether there was any truth in that report?

Captain COLVOCORESSES. Yes, sir; and to see that the young men were not disturbed. In the old times they used to keep them from drinking milk, and such things. I made many inquiries, but I never was able to find that they were in any way molested.

Mr. GREGG. The officers in charge are discipline officers, the regular officers of the Navy?

Captain COLVOCORESSES. Yes, sir; lieutenant-commanders.

Mr. GREGG. Another thing. How did the Meriwether fight develop the existence of hazing in the academy if it had no connection with hazing?

Captain COLVOCORESSES. Because inquiry was at once made as to whether this was a class fight, and so on. We came to find out that it was not a class fight; and then we commenced to make inquiries of all sorts and conditions of people. What gave me the positive clew to it was the fact of a Mrs. Pettus coming down from Washington here to inquire about young Kimbrough. She came to me one day and sat in my office for a long time talking to me. She was anxious about him. The boy was not happy, and had wanted to resign, and his friends did not wish him to resign. She came to see me about it. During that conversation she let slip something which led me to suppose the boy was being hazed. She wanted me to promise, which I would not do, that whatever she said I would not act upon. But I said: "You must remember, madam, that I am in an official position. If I can get any information, I want you to give it to me." She gave me a clew, and I sent for the boy, and he confessed that he had been hazed. Then, I think, about two days after that occurred his being found hazed by Mr. Coffin in his room, and the cat was out of the bag.

Mr. DAWSON. What was the date? Do you remember the date of this lady's interview?

Captain COLVOCORESSES. I should think it was about—let me see—I should say it was about the 15th of December, sir. I think it was the 17th that Kimbrough was hazed so badly.

Mr. GREGG. There is one more question. I had not finished.

Mr. DAWSON. Pardon me.

Mr. GREGG. Certainly. What cadet officers were connected with the Branch-Meriwether fight?

Captain COLVOCORESSES. Now I hope I can remember them all clearly. I should have brought a list, if I had thought.

Mr. PADGETT. Did you want to get the cadets' names?

Mr. GREGG. Yes; I think so.

Captain COLVOCORESSES. There were, I think, four that I could name. There was a Mr. Noyes and another one—one acted as timekeeper and the other was referee.

The CHAIRMAN. What is the object of that?

Captain COLVOCORESSES (continuing): Then there were two other cadet officers who were cognizant of these gentlemen having left their companies at supper, when they should have marched them in, and should have reported their being absent. They knew they were away, and knew they were absent in all probability for this express purpose.

Mr. GREGG. I do not care about the names specially. How many were connected with and present at the fight, do you say?

Captain COLVOCORESSES. Two of the cadet officers, I am sure.

Mr. GREGG. Present at the fight?

Captain COLVOCORESSES. Yes, sir.

Mr. GREGG. Then there were two others who knew these people were absent, and whose duty it was to report them?

Captain COLVOCORESSES. Certainly.

Mr. GREGG. And they failed?

Captain COLVOCORESSES. They failed utterly.

Mr. GREGG. Where are those four cadet officers now?

Captain COLVOCORESSES. They are all at sea, sir.

Mr. GREGG. They have been permitted to graduate?

Captain COLVOCORESSES. They have been permitted to graduate.

Mr. GREGG. And have gone out of the academy?

Captain COLVOCORESSES. They have gone to sea; yes, sir.

Mr. GREGG. You ascertained their names? You knew who they were before graduation, did you?

Captain COLVOCORESSES. Oh, yes, sir; I knew their names at the time, at once. They were reported.

Mr. GREGG. What punishment, if any, was inflicted on them?

Captain COLVOCORESSES. I think they each got 100 demerits, and were reduced to the ranks.

Mr. DAWSON. And deprived of their two weeks' leave, also?

Captain COLVOCORESSES. No, sir; those men were not.

The CHAIRMAN. The 100 demerits which one of them received prevented his graduation, did it not, Captain—a Texas boy?

Captain COLVOCORESSES. Yes, sir. That was Mr. Bean. He was in charge of a floor, and was one of those who should have given notice of any disorder going on there.

The CHAIRMAN. He was a cadet officer?

Captain COLVOCORESSES. He was on duty outside, in charge of that corridor. That would make five. I did not think of him.

Mr. GREGG. He was the fifth?

Captain COLVOCORESSES. Yes.

Mr. GREGG. Did his 100 demerits put him out of the academy?

Captain COLVOCORESSES. They helped to, of course. There were other things in connection with it.

Mr. GREGG. The 100 demerits he got for that did not run him over the number, did it?

Captain COLVOCORESSES. I think it did; yes, sir. But he had several other serious reports, over a controversy with an instructor in his room.

Mr. GREGG. What finally put him out was the controversy with the instructor?

Captain COLVOCORESSES. I think it was.

Mr. GREGG. His 100 demerits received for dereliction of duty about the fight did not run him over the limit?

Captain COLVOCORESSES. I think not.

Mr. GREGG. He ran over the limit finally by his conduct at the examination?

Captain COLVOCORESSES. I think so. I could tell you exactly by looking it up.

Mr. DAWSON. Was it established that this young man, Bean, knew the fight was in progress?

Captain COLVOCORESSES. I was perfectly satisfied that he did; yes, sir. I was perfectly satisfied, because notice was given that the

officer in charge was approaching, and all that sort of thing. That could not have been done without the knowledge of the superintendent of the floor, for that is just what he is put there for.

The CHAIRMAN. You mean that the naval officer in charge was approaching?

Captain COLVOCORESSES. Yes, sir. That is what stopped the fight. Goodness knows how long it would have gone on otherwise.

The CHAIRMAN. How did the naval officer happen to be approaching? Was he making his regular round?

Captain COLVOCORESSES. He was just making his regular round, as they do, at no set time. They have to——

The CHAIRMAN. Now, Captain, I suppose a good many fights of different kinds take place, or have taken place, among the students?

Captain COLVOCORESSES. I do not think there have been so many, sir. I do not, really. I think they are a very peaceable set of boys, as far as that goes.

The CHAIRMAN. How many would you estimate have taken place in the last year?

Captain COLVOCORESSES. I really can not tell, because I do not know of but these two, I think, that I know of.

The CHAIRMAN. That is, since June?

Captain COLVOCORESSES. Since June. Of course they may get out and have a little scuffle and me not know anything about it.

The CHAIRMAN. There is some evidence that has come to the committee that the number of personal encounters between them is considerable. We have asked for testimony from the sick mess, if that is what you call it—the hospital.

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. I think the surgeon who was before us estimated that in the last year and a half—this year and the year preceding—there might have been ten or twelve or fifteen. That was his estimate.

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Fights of all kinds. Have you ever known of an instance of a cadet officer in charge reporting a fight before this Branch-Meriwether fight?

Captain COLVOCORESSES. No, sir; no, sir.

The CHAIRMAN. You have known some fights to take place?

Captain COLVOCORESSES. No, sir; I have not.

The CHAIRMAN. You have not? You said you did not know of only two or three since you have been here.

Captain COLVOCORESSES. Yes, sir; that is all—do you mean in the old days, before coming here?

The CHAIRMAN. No, since you have been here. I understand you know of two or three since you have been here.

Captain COLVOCORESSES. They were not reported by cadet officers at all. I have not known of their reporting any.

The CHAIRMAN. Did they receive any demerits?

Captain COLVOCORESSES. The fighters?

The CHAIRMAN. No; the cadet officers whose duty it was under the regulations to report them. I suppose it is their duty to report fights, is it not?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. All fights?

Captain COLVOCORESSES. These gentlemen who were present at the Branch-Meriwether fight, as I say, got 100 demerits.

The CHAIRMAN. I know. I am inquiring now about fights that took place before that.

Captain COLVOCORESSES. I do not know of any, sir.

The CHAIRMAN. I want to know whether, since you have been here, any fight has been reported by cadet officers?

Captain COLVOCORESSES. None to my knowledge, sir.

Mr. GREGG. I understood him to say there was one other besides the Branch-Meriwether fight.

Captain COLVOCORESSES. There have been two fights, I think.

Mr. GREGG. The Branch-Meriwether and one more. That is what I understood.

Captain COLVOCORESSES. I was thinking whether I knew of any other that I could recall at this moment. No, that was not a fight. I stopped it. It was going to be between Moses and another man. A challenge was sent, but they didn't fight.

The CHAIRMAN. These personal encounters are generally overlooked by the officers in charge, are they not, if it happened to come to their knowledge?

Captain COLVOCORESSES. No, sir; not to my knowledge. I would punish them as hard as I could. It is, according to regulations, a gross disorder. In the old times fighting was in our regulation book, and the penalty was seven demerits.

The CHAIRMAN. Seven?

Captain COLVOCORESSES. Seven demerits.

The CHAIRMAN. It was not very expensive.

Captain COLVOCORESSES. For some reason or other, which I can not state, that has not appeared for quite a number of years—fighting, as such.

The CHAIRMAN. Is it named in the regulations at all?

Captain COLVOCORESSES. Not in the Naval Academy Regulations. But it is the articles for the government of the Navy, which are supposed to apply here.

The CHAIRMAN. Are cadets supplied with a copy of that as well as with a copy of the academy regulations?

Captain COLVOCORESSES. They are now.

The CHAIRMAN. They have not been heretofore?

Captain COLVOCORESSES. They have not been heretofore. It is our purpose to incorporate it in the regulations.

The CHAIRMAN. The evidence we have from the sick quarters officers who have been before us seems to show that a good many of these fights take place—not class fights, but personal fights.

Captain COLVOCORESSES. They would know far better than we do; because they conceal it, and it is only by close questioning, I imagine, that the doctors ever get at the true inwardness of it.

The CHAIRMAN. Why should the surgeons know better than the head of the disciplinary department?

Captain COLVOCORESSES. Because he sees the bruises, and sees what they are.

The CHAIRMAN. Is it not his duty to report those things?

Captain COLVOCORESSES. To me?

The CHAIRMAN. To somebody connected with the disciplinary department?

Captain COLVOCORESSES. I should say it was, if the surgeon knows of fights going on, and I think they would do it. I think they have done it.

The CHAIRMAN. Do you know of any case where they have, except the Branch-Meriwether case?

Captain COLVOCORESSES. No, sir; I do not. They would make that report to the superintendent, as a rule; and I am very sure they have made no such report. I would have heard of it, because my attention would be instantly called to it.

The CHAIRMAN. Is it the duty of any of the disciplinary officers to look over the record kept in the sick mess from time to time?

Captain COLVOCORESSES. The doctors send down every day a report of the sick, but "contusion" or something of that kind would not necessarily convey what the cause of it was, you know.

The CHAIRMAN. Assuming, Captain, that a good many fights have taken place at the academy during the last two years, that no cadet officer has ever reported one before, and that no inquiry has been made by the academy authorities into his failure to do so, would you think it rather severe on Mr. Bean to receive 100 demerits as the first instance of the kind that had come to the attention of the authorities?

Captain COLVOCORESSES. No, sir; not with the intention that we had to break up disorders and to change what seemed to be an evil that had grown up and was here growing all the time. It became necessary for us to take drastic measures.

The CHAIRMAN. You would think it was very unfortunate for the boy, but necessary to make a commencement, to reestablish——

Captain COLVOCORESSES. Discipline.

The CHAIRMAN. Discipline among the cadets.

Captain COLVOCORESSES. Yes, sir. That is my idea of it.

The CHAIRMAN. It would seem to me, Captain, that as the practical head of the disciplinary department, the sick quarters would be a very fertile field for you to investigate from time to time for information. Am I correct in supposing that every officer attached to the academy, whether he is an instructor or a surgeon, is made by the regulations a part of your disciplinary force?

Captain COLVOCORESSES. He is on duty, by the regulations, at all times.

The CHAIRMAN. And required by the regulations to report anything in the nature of a violation which comes to his attention?

Captain COLVOCORESSES. That is in the regulations, sir.

The CHAIRMAN. The department where these things would be most likely to come to the officers' attention would be in the sick quarters, would it not, as far as relates to fighting and injuries?

Captain COLVOCORESSES. If the injuries were serious, doubtless it would. I do not suppose many of them are serious.

The CHAIRMAN. If a boy comes in with a pair of black eyes, that is not only a serious matter, but as an indication of disorder, it is very plain.

Captain COLVOCORESSES. Not at all. Pardon me, but that can occur on the athletic field, in the gymnasium, or in a hundred ways.

The CHAIRMAN. It can. A boy can come in at this moment with a pair of black eyes and say, in answer to an inquiry as to how he got them, that he got them in a football game yesterday.

Captain COLVOCORESSES. Yes, sir; that is a very prolific source of it.

The CHAIRMAN. But there was no football game yesterday, so it would be fair to infer that that was not the case.

Captain COLVOCORESSES. But they are practicing every evening. If you were to go out there you would see it.

The CHAIRMAN. Then it would be proper for the surgeon to take cognizance of marks on the face, for fighting almost always leaves marks.

Captain COLVOCORESSES. I try in all cases, unless I have good reason to the contrary, to accept the word of the midshipman always, when he talks to me. There are many doubtful cases where I say: "If you give me your word of honor that you did not do this, I will accept it unless there is evidence to the contrary." I have to do so. I want to get them up to a high state of feeling, and I believe they have a very keen sense of truth.

The CHAIRMAN. I want to see if the understanding of the surgeon as to this and your understanding are alike——

Captain COLVOCORESSES. You see the sick quarters are entirely apart from us. They are away up here. When a midshipman comes up here we may not see him until he comes back after a week or more, or know anything more than the fact that he is there sick, or excused, by the list that is sent around in the morning.

The CHAIRMAN. (reading):

The CHAIRMAN. When a boy comes in there with an injury, Doctor, tell us what the proceeding would be?

Surgeon STONE. Well, it would be to examine the injury and determine what it was, and determine how much it incapacitates him. If it seems to be so severe that he can not go on with his work then he is admitted and put under treatment.

The CHAIRMAN. Yes. Would that be all of the proceedings?

Surgeon STONE. Of course every man that is admitted is reported each morning in the morning sick call, in the morning report. If anyone is admitted after the sick call in the morning his name is sent down to the commandant, to let them know there that he is in the hospital.

The CHAIRMAN. What would your report to the commandant be?

Surgeon STONE. Simply his name and class.

The CHAIRMAN. Anything about the injury?

Surgeon STONE. No, sir.

The CHAIRMAN. Anything about how he received it?

Surgeon STONE. No, sir.

The CHAIRMAN. Is any inquiry made by you as to how he received it?

Surgeon STONE. There would naturally be some inquiry if it was not self-evident.

The CHAIRMAN. Were there any of them self-evident, as to how they happened?

Surgeon STONE. Oftentimes you can form a pretty good idea of how a thing has happened.

The CHAIRMAN. Do you ask the student?

Surgeon STONE. Oh, yes. We generally ask them, ^{just} as you would with any other patient, and get what history you can of the case. We find out all that can be found out about it.

The CHAIRMAN. As you do with any other patient. You mean in general practice?

Surgeon STONE. Yes, sir.

The CHAIRMAN. Then if it occurs to you to ask him how it happened you would, and if it did not occur to you you would not?

Surgeon STONE. Yes.

The CHAIRMAN. It would not be any part of your duty to inquire how it happened?

Surgeon STONE. No, sir.

That is from the testimony of Surgeon Stone.

Captain COLVOCORESSES. Well, sir, of course the regulation is there before us in the book, that it is the duty of every officer to report anything that comes to his knowledge—any infraction of regulations.

Of course, I would not presume to say what it is necessary for a surgeon to do in the matter. He has his ideas about it.

The CHAIRMAN. Now, Captain, from the testimony of this surgeon, it seems to be his understanding of the duties of his position that he may either ask how it happened, or he may not—as it happens. That, I think, is his exact language; that no particular report is to be made beyond the name and nature of the injury or of the sickness.

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. That if it is evident that this has been produced in a fight and the boy does not say so, no report is made of that by the surgeon—that is, he considers it no part of his duty to make that report.

In answer to a further question, in which the chairman read to him the regulation making him a part of the disciplinary force of the academy, and requiring him to report any evidences of violation of the regulations, he stated that he had not happened to have seen that. From all this we have gathered the impression, and are asking you if it is right, that the ordinary fights that take place between students here receive no special attention from the officers in charge. If they do, it would seem that the sick quarters would be the source where they could most easily find out about it.

Captain COLVOCORESSES. If we believed, sir, that the surgeons were not doing their duty in that regard—but I had no idea that anyone would suppose up there that they should not report any infraction of regulations if it came to their notice. I have talked with Doctor Byrnes, the head surgeon, and I have not the slightest idea that Doctor Byrnes would allow a thing of that kind to pass him, and I certainly never would have dreamed that Doctor Stone would, if it came to his knowledge. I have known him——

The CHAIRMAN. Is that testimony of the doctor surprising to you, then—the view he takes of his duty in a case originating probably in fighting?

Captain COLVOCORESSES. If he states that he does not report cases of fighting that he knew of, that came to his knowledge, I should say it was very peculiar, because there is a regulation governing it, and the physicians are supposed to inform themselves of the regulations, I suppose. I believe we have tried to make it clear that we desire to preserve good order and discipline here, and all who can help us we thank.

Mr. DAWSON. You presume, then, that practically all the naval officers stationed at the academy have knowledge of this particular regulation.

Captain COLVOCORESSES. I do, sir.

Mr. DAWSON. Do you know what has been the general interpretation of this regulation in this particular? The regulation says: "It shall be the duty of all officers, naval and civil, at the academy, who have knowledge of any violation of a regulation," etc., to report it. Do you know what interpretation the officers place upon the word "knowledge?"

Captain COLVOCORESSES. No, sir; I do not.

Mr. DAWSON. Of any violation?

Captain COLVOCORESSES. I do not. I only know what interpretation I would put upon it.

Mr. DAWSON. What would be your interpretation of it?

Captain COLVOCORESSES. That if I saw a midshipman, or anybody else do anything contrary to regulations, I should have to report him.

Mr. DAWSON. Would you regard palpable evidences of a breach of discipline as coming within that phraseology of "knowledge?"

Captain COLVOCORESSES. Yes, sir; for investigation. I would report them to the proper authorities to have that case investigated: "I believe that such and such a thing has taken place; I believe a midshipman has frenched" or "A midshipman went over the wall the other night, and I would like to have it investigated." It would be reported to me, and it would then become my duty to investigate it.

Mr. DAWSON. You would regard plain evidences of a breach of discipline as coming within the scope of this regulation?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Captain, do you know that the officers who assist you—the naval officers who assist you—as a part of your disciplinary force, do not take the same view of reports on fist fights that the surgeon evidently does?

Captain COLVOCORESSES. I do not know, sir, what their views would be; but I fancy they agree with mine. As I said, it would be the duty of anyone having knowledge of that kind to report it.

The CHAIRMAN. You do not know, then, whether or not they have had knowledge of these fights, and failed to report them, as the surgeon has.

Captain COLVOCORESSES. To me?

The CHAIRMAN. Yes.

Captain COLVOCORESSES. No, sir; I am very sure that there is no officer in the disciplinary department that has failed to report anything of that kind.

The CHAIRMAN. Of course I do not know what your opinion is. I suppose you have none except to enforce the regulations. My own opinion is that personal differences leading to personal encounters will always take place where eight or nine hundred boys are gathered together.

Captain COLVOCORESSES. Yes, sir; that is very natural.

The CHAIRMAN. I think it is impossible to prevent it.

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. And some might argue that it is not desirable to attempt to do any more than to regulate it. What I had in mind was the particular case of this young Bean. If the other disciplinary officers took the view of it which the surgeon seems to have taken, that it was not a matter except in case of serious injury, which needed reporting—if it was merely a black eye or a cut lip that there was no particular necessity of reporting it—and if no cadet officer had reported any fight back as far as you know, might not young Bean and the other young men who were acting as seconds or in some other capacity in this Meriwether-Branch fight, reasonably have assumed that they were not committing breaches of regulations such as would be taken notice of by the authorities?

Captain COLVOCORESSES. Decidedly not, sir. I think the young men would take their cue as to their ideas of discipline from the discipline officers, and not from the surgeon. I think, furthermore, that their scattering and giving warning that the officer in charge was coming at that time, showed very clearly what views they had of how he would look upon it.

The CHAIRMAN. Would not the cadet officers presume that the disciplinary officers were familiar with cases of injury that went to the sick quarters?

Captain COLVOCORESSES. No, sir; I think they would not presume anything of that kind, because as I have said we do not see those young men after they go to the hospital. They are entirely removed from our purview. They come way up to this building here, and they remain until they are well.

The CHAIRMAN. Do you not think if all of the surgeons there entertain the views Doctor Stone does, that there is a chance to knit together your disciplinary forces a little closer?

Captain COLVOCORESSES. Possibly that is so. Yet you are trenching there on something that carries us back to the old line and staff. The surgeons have control completely in their hospital. Unless there is a breach of order I would not go there and interfere. I presume everything is being carried on at the hospital according to the rules and right, and I could not go there and interfere with a man and get him out of bed, if I thought he was shirking. If the doctor says he is sick, whatever my individual opinion may be——

The CHAIRMAN. That is a branch of it that I am not touching upon; but I assume the surgeons are subject to the orders of the superintendent?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Then it would be within the province of the superintendent to issue such orders to the surgeons as to require them in all cases of personal injury to inquire as to the origin of the injury?

Captain COLVOCORESSES. Undoubtedly.

The CHAIRMAN. If it was such a case as would invite the suspicion that fighting had taken place, they should make a report of that?

Captain COLVOCORESSES. Undoubtedly.

The CHAIRMAN. So that the case could be examined?

Captain COLVOCORESSES. There would be no question about it. In my conversations with Doctor Byrnes, I feel perfectly assured that he would do so. He is the head surgeon, and of course these subordinates would make their reports to him.

The CHAIRMAN. There is no present number of demerits assigned for fighting?

Captain COLVOCORESSES. No, sir; I have to consider it as gross disorder.

The CHAIRMAN. In each case it is left to the judgment of the officers?

Captain COLVOCORESSES. Yes, sir.

Mr. GREGG. What is the limit of demerits for gross disorder—the maximum?

Captain COLVOCORESSES. Fifty demerits is what we give for that.

Mr. GREGG. Fifty.

Captain COLVOCORESSES. Yes, sir.

Mr. GREGG. These young men that you gave 100 demerits to—what did you consider their offense; failing to report?

Captain COLVOCORESSES. They were also accessories to a fight.

Mr. GREGG. You give them 50 for being accessories?

Captain COLVOCORESSES. Fifty for their conduct. They left their duty and their companies when they should have marched in to supper. It was a gross neglect of duty. That was 50 demerits.

They took part in a gross disorder which was another 50 demerits. That is the way I have to couple it up.

The CHAIRMAN. Was Mr. Bean a cadet officer?

Captain COLVOCORESSES. No, sir; Bean was not a cadet officer, if I remember aright. He was in charge of the floor on duty up there in the corridor, and those young men are placed there for the purpose of preserving good order, and reporting any infractions of regulations.

The CHAIRMAN. That would be an important factor in determining the number of demerits?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. That he was in a position of trust——

Captain COLVOCORESSES. It is most important.

The CHAIRMAN. And violated his trust, besides breach of discipline in this connection?

Captain COLVOCORESSES. Yes, sir: he was regarded as cognizant of this thing having taken place.

Mr. GREGG. So you punished him as an accessory to the fight as well as for neglect of duty?

Captain COLVOCORESSES. I think so.

The CHAIRMAN. Mr. Dawson suggests that we have not heard before of a cadet in charge of a corridor. We supposed that the cadet officers performed all the duties of the companies.

Captain COLVOCORESSES. Oh, no, sir; the cadets of the first and second classes are detailed to take charge of these corridors in turn. One of the first class men is superintendent in charge of the corridor, and he and his assistants have general supervision over it.

The CHAIRMAN. How long a turn does each one have?

Captain COLVOCORESSES. They go on at 7 o'clock in the evening and remain until 7 o'clock the next evening, when they are relieved. They are not on duty, of course, at night, because they turn in after taps, at 10.30, after the lights are all out.

The CHAIRMAN. They go on at 7 o'clock in the evening?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Then do they go to bed at the usual hour?

Captain COLVOCORESSES. After taps; after the lights are out; yes, sir. Then next morning after reveille they resume the duties for that day.

The CHAIRMAN. They are continuously on duty from 6 o'clock in the morning until bedtime?

Captain COLVOCORESSES. They are relieved for meals.

The CHAIRMAN. Seven o'clock is after supper hour, is it not?

Captain COLVOCORESSES. The next day, following, they are relieved for meals.

The CHAIRMAN. But from 7 until 10 each evening, they are continually on duty?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. They lose their study hours?

Captain COLVOCORESSES. They lose their study hours for half day. They are permitted to study when it does not interfere with their duties. They have a desk and light, and they sit down and study.

The CHAIRMAN. In the corridor.

Captain COLVOCORESSES. They are supposed to sit in the angle of corridor so they can look down two corridors and see all that is

unlawful, and what is going on there—disturbances or anything of that kind.

The CHAIRMAN. And if all is quiet they are permitted to study?

Captain COLVOCORESSES. Yes, sir.

Mr. DAWSON. How many of those officers in charge are there in Bancroft Hall?

Captain COLVOCORESSES. On each floor, in each wing, there are about sixteen to eighteen there all the time.

Mr. DAWSON. Who are they directly responsible to?

Captain COLVOCORESSES. The midshipman officer of the day, and he to the commissioned officer in charge. There are two officers of the day, one for each wing.

The CHAIRMAN. Captain, are you confident that your present system of self-discipline, by means of cadet officers, will be sufficient to enable you to suppress hazing in the future?

Captain COLVOCORESSES. I have the greatest confidence in it, sir.

The CHAIRMAN. You rely largely upon your board of investigation, which will convene from time to time?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Do they put the boys under oath at that time?

Captain COLVOCORESSES. Yes, sir; the Superintendent can order a board which will be empowered to administer oaths.

The CHAIRMAN. I suppose, Captain, we can almost say that the whole student body above the fourth class has been involved in this hazing, as it is defined by the Attorney-General?

Captain COLVOCORESSES. It would look so, sir, from what I read; but of personal knowledge I have not that information.

The CHAIRMAN. Do you know as to the class of cases that have been brought before the court-martial; have they been the worst cases?

Captain COLVOCORESSES. That I could not say, sir, because my duties have been such that I have not been able to determine. I am trying to write regulations, and I am pretty busy seeing so many of the young men. I was not able to attend the sessions of the court. I do not know that it would have been proper to have done so. It would have been too much leisure and pleasure to have listened to the legal arguments. I have only knowledge, therefore, in a general way, by reading the papers, of what has been done. There is a vast mass of testimony, I suppose. There must be 1,000 pages as to what has taken place, and I hope to be able to become familiar with some of it.

The CHAIRMAN. We have some knowledge as to it. We have already read some 600 or 700 pages.

Captain COLVOCORESSES. But I think I have a pretty good general idea of it.

The CHAIRMAN. Your understanding is, Captain, that the term "hazing" as defined by the Attorney-General, covers any form of coercion?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Without authority?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Of the most trivial character?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. And therefore, under the present law, the Superintendent would be required to bring such a cadet before a court-martial and dismiss him?

Captain COLVOCORESSES. If he felt the charges were proved; yes, sir.

The CHAIRMAN. That the court-martial will determine.

Captain COLVOCORESSES. If proved he has got to do that. He has no discretion at all.

The CHAIRMAN. Do you think in order to maintain the discipline of the Academy it is necessary to have that law continue in force?

Captain COLVOCORESSES. I think it is necessary, sir, to have a most severe law against hazing, which may be used at the discretion of the Superintendent and the Secretary of the Navy.

The CHAIRMAN. That is, you would consider the law proper and just as applied to hazing which is brutal or cruel?

Captain COLVOCORESSES. Most decidedly, sir.

The CHAIRMAN. But in trivial cases of hazing would you think less punishment would be advisable?

Captain COLVOCORESSES. I should think so, sir, because it takes such a very trivial form in some cases that it is mere child's play.

The CHAIRMAN. Would it not be much more difficult to secure knowledge of hazing, and conviction, if the cases were trivial, owing to the punishment being too severe?

Captain COLVOCORESSES. Yes, sir; that is true, and I have no doubt that is the reason for this drastic law—that they are determined to stamp the whole thing out, and to get a Draconian law that you can not get around.

The CHAIRMAN. From the knowledge you have gained as commandant of cadets, would you think a law better which would enforce dismissal against brutal, cruel hazing, but which would enable the authorities to inflict a lesser punishment upon milder cases of hazing?

Captain COLVOCORESSES. I do, sir; and I think if a dismissal is summary, without the agony of a court martial, and so on, a great deal better results would be obtained. One of our great troubles here at the present moment is this. The boys who know that they are going to be dismissed, or those who have dropped their studies, just continue on here for days. They know they are not going to stay, and they do not take any interest in keeping up the discipline or doing right. It is very natural, and it is the boyish way to do. So when a young man is hanging on by his eyelids with regard to a court-martial, it is not possible to maintain the discipline as it should be maintained.

The CHAIRMAN. He is a disturbing element?

Captain COLVOCORESSES. A disturbing element; yes, sir.

Mr. GREGG. How would you regulate the trivial cases of hazing; by the demerit system?

Captain COLVOCORESSES. By the demerit system; yes, sir. We have, of course, other means which we can use. They can be given extra guard duty—made to perform guard duty with a musket during recreation hours. They can be confined to their rooms. They can be deprived of liberty, of going out in town, and various things of that kind. Measures can be taken in addition to the demerits, at the discretion of the superintendent.

Mr. GREGG. Is it your judgment, then, that the law ought to be so

framed as to specify that for those trivial cases the superintendent may inflict such punishment as he deems commensurate to the offense?

Captain COLVOCORESSES. That is my belief, sir. I think it would save a great deal of trouble, and save some very good men to the service who have simply done boyish tricks, that outside would not have been considered anything. But they run right up against a stone wall here, and we have to do our duty.

Mr. GREGG. Then your judgment would be that the law ought to be so framed that the aggravated cases can be punished by summary dismissal?

Captain COLVOCORESSES. Yes, sir.

Mr. GREGG. And the lesser offenses left to such punishment as may be inflicted by the superintendent?

Captain COLVOCORESSES. Yes, sir; with the approval of the Secretary.

Mr. GREGG. Do you think for those little trivial offenses it would be necessary to have the approval of the Secretary of the Navy?

Captain COLVOCORESSES. No, sir; I do not. I think if it were left in the superintendent's hands he could attend to it; but if it were a grave matter, in order to get full dismissal, you would have to have the approval of the Secretary of the Navy.

Mr. GREGG. I am not speaking of dismissal cases, but of minor cases.

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Captain, I want to find out a little more about the demerit system. Mere offenses against regulations in a class room, for example, would be reported by the officer or the professor in charge there?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Who would judge as to the number of demerits that were necessary for the offenses?

Captain COLVOCORESSES. I should, sir, under the superintendent.

The CHAIRMAN. The professor or officer in charge of the room, the instructor, would simply make a report of it without indicating the amount of the demerits?

Captain COLVOCORESSES. If you will look at them, you will see that they are classified, and that the wording of some of the reports, for example, is "Gross disobedience of orders;" "Deliberate disobedience of orders" would be fifteen demerits right off.

The CHAIRMAN. Can you tell us what page that is on? Is that in the interior regulations? That is an interior regulation, is it not?

Captain COLVOCORESSES. Yes, sir; you will see it there. They are classified there. It is sometimes quite difficult to get them under some of those classes. For instance, fighting in the book there is considered as coming under the head of 50 demerits. It was so considered.

Mr. GREGG. That is, a deliberate fight?

Captain COLVOCORESSES. Yes, sir.

Mr. GREGG. But suppose two boys just happened to come together and one insulted the other and was knocked down, or something of that kind?

Captain COLVOCORESSES. If he is actually reported for fighting, I would have to give him 50 demerits.

Mr. GREGG. Regardless of the nature of the fight?

Captain COLVOCORESSES. Fighting is forbidden by the Navy regulations, and anyone who strikes, assaults, or attempts to strike or assault another person in the Navy, using provoking gestures, words, menaces, etc., all come under the head of fighting.

The CHAIRMAN. I suppose you can imagine insults offered you which you would resent upon the spot?

Captain COLVOCORESSES. I can. It is one of the hardest things I have to contend with. I know it.

The CHAIRMAN. Would you make any distinction regarding a personal fight between two cadets, as to the person who had provoked the fight and the one who simply defended himself, and who resented, perhaps, a profound insult?

Captain COLVOCORESSES. I would, indeed; and the man who resented what I thought to be an unpardonable insult I would give every indulgence that I could consistent with good order and discipline. I should have to do that. Human nature is pretty strong in all of us.

Mr. GREGG. There is lots of human nature in a man.

The CHAIRMAN. I imagine that is the view of a great many people. Even men so wise as Members of Congress, sitting as the law-makers of the country, have been known to have personal encounters in the House of Representatives, with the assembled multitudes looking down upon them. That is one of the weaknesses of human nature. It is for this reason that I have been inquiring so closely as to whether cases of personal difference resulting in a personal encounters between cadets, where no particular damage arose from it, were not to some extent overlooked by the disciplinary authorities.

Captain COLVOCORESSES. No, sir; I do not think they are. I think they would be reported, and then it would be up to the superintendent and myself to judge of that matter.

The CHAIRMAN. I know sometimes in schools, as a matter of discipline, it is considered wise not to see everything.

Captain COLVOCORESSES. Yes, sir; but I do not know of anything of that kind.

The CHAIRMAN. You are familiar with the markings in the Bean case, are you, Captain?

Captain COLVOCORESSES. The markings?

The CHAIRMAN. The markings of demerits.

Captain COLVOCORESSES. I think he got one hundred demerits. That is my impression.

The CHAIRMAN. That is, for participation in the fight?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. He got how many demerits for what was called insubordination in the class room?

Captain COLVOCORESSES. I think that is seventy-five.

The CHAIRMAN. Do you remember the details of the insubordination?

Captain COLVOCORESSES. Why, he repeatedly approached the instructor about his work, and I think he left the room. That is the best of my recollection. I think he left the room without completing his work, and showed great insubordination. Of course an examination has to be rather a solemn occasion. The men have to keep very quiet and do their work. And disturbance is very much discredited. But he insisted. Commander Muir was the officer, if I

remember rightly, who made the report to the head of the department, and it came so direct and straight there was not any question raised. I do not think Mr. Bean made any particular objection to the report as to the facts.

The CHAIRMAN. You never have talked with Mr. Bean yourself?

Captain COLVOCORESSES. I had some conversation with him at the time; but I know he did not impress me as having been abused by the report; that the report was not in any way exaggerated.

The CHAIRMAN. Did his statement of the facts, as they occurred, differ from the report of the professor in charge?

Captain COLVOCORESSES. I do not think they did, sir. I am not sure. I would have to look up the matter. You know when a midshipman is reported, the report is posted. It is read out at formation, and then that report is put on the bulletin board, and he has twelve hours or more to consider it. By the next morning, if he desires, he sends in a statement; or if he does not wish to send in a statement I always let them come and see me if they want to.

The CHAIRMAN. He sends it to you?

Captain COLVOCORESSES. He sends it to me, or it goes to the divisional officer. The divisional officer is one of these four lieutenant-commanders that I have spoken of in the disciplinary department. He reads that statement and compares it with the report. A report is made on what is called a "delinquency" sheet, made out in blank, stating the name, the class, the date, and the offense, with a column for remarks, where the officer can put in the circumstances, if he desires, attending that report. They generally do, in all serious reports. All serious reports are referred immediately to me by the officer in charge of that division. He settles the minor reports because they are generally following the schedule laid down in that book, and there is no trouble. If the excuse sent in, or the statement, differs, that is referred to me; but all serious reports come to me direct, and I give what I think is right as to demerits, according to the schedule. Then I take them over to the superintendent in the morning and call his attention to these reports when they are serious, and we talk about them, and the demerits are determined in that way.

The CHAIRMAN. I understand the boy's statement now is that he had finished his work. This was during examination, was it not?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. And that in examinations that were held in other rooms upon other subjects he had been permitted to finish his work and hand it in and leave.

Captain COLVOCORESSES. Yes.

The CHAIRMAN. That he did not understand it was contrary to regulations?

Captain COLVOCORESSES. Yes.

The CHAIRMAN. That he asked Professor Muir for permission to leave the room upon having finished his work; that his request was refused; that he then stated to the professor that he made the request because he had been permitted in other examinations to leave when he was through. Captain, I wish you would look up the facts more carefully, so that you may be sure that your memory serves you correctly, and so that before we get away we may get a correct statement as you understand it.

Captain COLVOCORESSES. My recollection is entirely as I have given it. In the first place, I will say that it is never considered that the pupil has the right to judge of when his work is completed. If he had had absolutely every sheet with every example upon it—which I doubt very much if Mr. Bean had—even then, if he asked the instructor to allow him to go out, it was entirely within the office of that instructor to refuse, if he desired, and if the student insisted upon that it would be highly improper on the part of the midshipman. He ought to be satisfied with that. My recollection is that Mr. Muir found the work was not completed at all, and he did not desire to have them leaving in that way.

The CHAIRMAN. He would desire to have them put all the time upon their lessons?

Captain COLVOCORESSES. Precisely. It is to the interest of the young men to do that.

The CHAIRMAN. And to continue to work until the end of the time?

Captain COLVOCORESSES. Some people get discouraged and disgusted, and they say "I am going to give this up; I am not going to try."

The CHAIRMAN. And if he did as he wanted to, it would disturb the balance of the class to have students dropping out one or two at a time?

Captain COLVOCORESSES. Yes, sir; that is sometimes done, too. It is entirely within the purview of the instructor, and no one could have any right to claim it.

Mr. DAWSON. Is it a part of your duty, captain, to revise the regulations for the discipline of the academy?

Captain COLVOCORESSES. Yes, sir; as far as I can.

Mr. DAWSON. Did I understand you to say that you were engaged in some revision of the present regulations?

Captain COLVOCORESSES. We are rewriting the whole thing, sir. If you will notice that book there, you will see how interleaved it is with all sorts of orders. That book was gotten up when they were in an entirely different building up here. It does not apply at all to our hall as we have it now, so it is necessary to rewrite the whole thing, practically. Of course very much of that remains as it is.

Mr. DAWSON. These regulations were compiled—or printed, at any rate—in 1901?

Captain COLVOCORESSES. 1901; yes, sir.

Mr. DAWSON. Five years ago?

Captain COLVOCORESSES. Yes, sir; that is the latest we have.

Mr. DAWSON. Can you tell me whether the new regulations will be materially changed from these in the matter of discipline?

Captain COLVOCORESSES. Yes, sir. There will be two very important things that are not dwelt upon in that book—hazing and fighting. They will be particularly dwelt upon. Another thing which is an innovation and which has never taken place here. They have often referred to the regulations for the better government of the Navy. They will be incorporated in that book. That is a little pamphlet, perhaps 10 or 12 pages.

Mr. DAWSON. What is the title of that?

Captain COLVOCORESSES. The Articles for the Better Government of the Navy.

Mr. DAWSON. These new regulations are all ready for printing when it is seen fit?

Captain COLVOCORESSES. When I can get a typewriter. You are aware of the West Point regulations, which came up on the Booz case, on the subject of hazing?

Mr. DAWSON. Yes.

Captain COLVOCORESSES. I was going to incorporate the whole of that, but I thought possibly the law would be so that it would not apply in our case. I do not know. I thought it wise to wait until we should see if the law would be abolished in regard to that matter. Then fighting I have dwelt on, going back to duelling, challenging, or acting as second, or having anything to do with it, or provoking or animadverting against a man for making a report, and all those things. I thought we would get in everything we could, covering the case thoroughly.

Mr. DAWSON. These amendments have been suggested by the recent disclosures in the academy, I presume?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. There has been some information given us by one of the minshipmen in relation to fighting. I have not gone through it, but it was enough to show that there were quite a number of fights at this academy——

Captain COLVOCORESSES. I would like to say that I remember one of the cadet officers, I think Mr. Noyes, telling me that he had been a second in 19 fights since he had been in the academy.

The CHAIRMAN. Yes.

Captain COLVOCORESSES. That was, of course, all previous to the Branch-Meriwether fight.

The CHAIRMAN. Mr. Humphrey and Mr. Fitch, who was formerly here, but I think has graduated——

Captain COLVOCORESSES. He has graduated.

The CHAIRMAN. Together they counted up 40 fights since they have been here, but I suppose that covers a period of three years.

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. That would be an average of 13 a year.

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. No one of them could recollect that a cadet officer in charge had ever reported one of these fights.

Captain COLVOCORESSES. No, sir.

The CHAIRMAN. So that, according to that testimony, 40 fights have occurred in the last three years, in no one of which had a cadet officer reported it. Do you not think that would pretty well establish in the minds of the cadet officers the fact that it was a matter of common usage which should not be reported?

Captain COLVOCORESSES. Perhaps it might, sir; but I do not think it is quite fair to judge of what officers think by what the midshipmen have thought up to this time. You are perfectly aware, I suppose, sir, that they have formed laws unto themselves—rates, and so on—due to the condition of affairs here, that no officer, I am sure, would ever countenance in any way.

The CHAIRMAN. Well, captain, if I were a midshipman in this school and a cadet officer, and I knew that during all the years that I had been here fights averaging to the number of 13 a year had taken place, and that in almost every case, as the evidence here shows, one or both of the combatants went to the hospital for treatment——

Captain COLVOCORESSES. Was that the case? As many of them went to the hospital as that?

The CHAIRMAN. That is the testimony, that one or both in almost every case went for some treatment, either to have an eye painted or treatment of a more extensive nature.

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Knowing also that the regulations made the hospital surgeons a part of the disciplinary management of the school, and assuming that the knowledge on the records of the sick quarters was reported to the superior officers in the academy——

Captain COLVOCORESSES. But you see they were not, as to the character of hurts at all.

The CHAIRMAN. It seems to me I would fairly presume, if I were the cadet officer, that even if there was a regulation of that kind it had fallen into disuse and had not been enforced for so long that I might perhaps be excused for not reporting it myself.

Captain COLVOCORESSES. Would you apply that same reasoning to frenching, sir, or playing cards, or drinking, because you knew it did exist, and you knew that the cadet officers were participating in it?

The CHAIRMAN. I would apply the same reasoning to any other offense against the regulations where the facts upon the very surface of them showed so strong a presumption that the authorities must know of the practice of fighting.

Captain COLVOCORESSES. Well, sir, take for instance the case of a cadet officer who habitually, as appeared in one of the court-martial cases, many, many times, up in the teens, absented himself from mess, and had his meals brought up to him by a fourth class man. Certainly no one would assume from that, I hope, that the officers would ever countenance anything of that kind. It was a common practice of the cadet officers to wink at it. Also, I am informed, men would go to Baltimore and stay there two or three days, and the reports of absence were torn up by the then cadet officers and never reached the officers themselves.

The CHAIRMAN. Suppose it should be a matter of proof that the disciplinary officers of the academy, thirteen or fourteen times a year for three years had gone by rooms in Bancroft Hall and noticed upper class men eating their meals in their rooms; would that be a fair indication that that particular regulation had rather fallen into disuse—or rather the enforcement of it?

Captain COLVOCORESSES. That officer ought not to be here for a moment, sir. I can not imagine, really, an officer in the discipline department allowing a thing like that.

The CHAIRMAN. I am applying the same circumstances——

Captain COLVOCORESSES. If such things as that were permitted, I can only say that I am sorry that it has occurred—if there is such a case.

The CHAIRMAN. That is merely a hypothetical case, in regard to the meals. In regard to fighting it is an actual case. A large number of them have for several years gone to the hospital where the officers are who, under the rules of the academy, are a part of the disciplinary force. They are there treated for the injuries received in these fights. In no instance during the three years has any one of the cadet officers ever been questioned about it, as it appears, nor reprimanded, nor punished in any way, until it comes up to one particular fight here where there was a serious injury.

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. And then the participants are all punished for taking part in it.

Captain COLVOCORESSES. I will say freely, sir, that these young men seemed utterly dumbfounded and astonished when they were overhauled for it; but it was the first time I had ever had a chance to get at them and give them my views on the subject. I am afraid that some of them had an idea that I was a good deal of an old foggy who would allow himself to be imposed on. They seem to think that their code of honor, as they had it, was a first-rate thing, and much to be applauded.

The CHAIRMAN. When did you first learn that a sort of an agreement had been made between Admiral Brownson and the different classes here in relation to hazing?

Captain COLVOCORESSES. I heard that rumor when I came here, sir, and I called on Admiral Brownson at his house and he told me that hazing was a thing of the past, utterly abolished, and that I would not have that trouble to deal with.

The CHAIRMAN. Did he say anything to you about the means he had employed?

Captain COLVOCORESSES. No, sir; but he was perfectly convinced that hazing did not exist.

The CHAIRMAN. Did he say anything to you about his having absolved the classes from the agreement made with him?

Captain COLVOCORESSES. No, sir; I never heard of such a thing until after some of the midshipmen stated that to be the case.

The CHAIRMAN. Do you think, in view of what has taken place since, that the midshipmen construed the action of Admiral Brownson in withdrawing the pledge that they had given him, and absolving them from it in future, as some warrant for them to again take up this practice which had prevailed before they gave this pledge?

Captain COLVOCORESSES. It is possible, sir; but yet it is discrediting their good intelligence, for they are very bright boys and they know it is not allowed. They know fighting is not allowed. They know all these things are not allowed, and when they try to argue that any officer, were he so indiscreet as to absolve them from any such thing, would have the power to do so, they would know that it was wrong. They know what is right and they know what is wrong as well as you and I. They know hazing is wrong and against the law of the land. Every effort has been made to stop it, and they are very shy about letting it be known.

The CHAIRMAN. Doubtless that ought to be true, but as a matter of fact, in view of what has occurred, do you not think the midshipmen construed it as releasing them from thier obligation not to haze?

Captain COLVOCORESSES. They say so, sir.

The CHAIRMAN. Whether the impression was wrong or not that is the impression they received?

Captain COLVOCORESSES. Some of them have said so. I have understood that they thought so; but there is no excuse for it, sir. Pardon me for going into something that may seem to you extraneous, but it is on this subject. When we started in, I called all the cadet officers and petty officers of the first class into Memorial Hall down there——

The CHAIRMAN. That was in October?

Captain COLVOCORESSES. Yes, sir; and I told them I had under-

stood that they had made pledges not to haze, gouge, nor french to Admiral Brownson; that I understood that they regarded themselves as freed from those pledges, they having been personal pledges; that I did not want to argue about the possibility of their being released from any such pledges by anyone, but I would put them right straight back to what they did when they entered the academy. They took an oath to obey the regulations of the Naval Academy, the orders of the officers placed over them, and the regulations of the United States Navy; that all these things were expressly prohibited by them, and they had taken an oath which I considered more binding than any pledge they could afterwards make to abstain from this sort of thing, and that they would be dealt with accordingly. Had those young men taken my warning at that time, sir—and I just want to state this in justice to the authorities here—neither the Branch-Meriwether fight nor the hazing that has subsequently taken place would have occurred, because I told them they were cadet officers placed here by the necessities of the Government to do work that was highly responsible, and that they must rise to that responsibility; that it was possible that Congress might pass a law making them ensigns, and that if they did so, they would want to know what kind of men they were, whether they were fit to be commissioned, and that it was up to them to show by their good conduct and strict attention to duty and discipline that they were going to do their duty right straight up to the handle. That is what I said to them at the commencement of this term.

Mr. DAWSON. At the same time, Captain, did you give any instruction to the fourth class men on this particular subject of hazing—that is, were they called together and instructed as to their rights?

Captain COLVOCORESSES. No, sir; no; because there are some things that have developed that I never dreamed of. During the summer the only thing that I ever saw that led to any suspicion that there were what you call rates—you know the different classes have different rates——

Mr. DAWSON. Yes, sir.

Captain COLVOCORESSES. I found that the fourth class men were hugging the wall, and I inquired into it. I noticed the fellows going up and down stairs would always be on the inside, and I inquired why it was, especially as I found my waxed floor was being worn a good deal there. They said, "That is a rate." I immediately gave orders that they should walk on the center of the linoleum, and whenever I met them I took the wall myself. They used to look very funny. I learned afterwards, long afterwards, that a few days afterwards, the upper class men, in order to hold their rate good, repeated the order that I had given, that the rate was now to walk in the center of the floor and not against the wall. They accepted it, and took it, and it was carried out. They all obeyed it. That was more efficient than my order was. That was the only thing I ever saw in the way of hazing at all. Once one of the officers in charge told me that a senior class man in passing a fourth class man in the ranks had told him to brace up—that is, to hold his head up and carry his elbows in and stand straight. I said I could not consider that hazing. That is a part of our training here. We could not go into that matter.

Mr. DAWSON. After this direction which you gave to the officers at the outset of the school year, you regarded that as a sufficient precaution for the protection of the new cadets from hazing?

Captain COLVOCORESSES. Indeed I did. I mentioned hazing especially. Not only that, but I went down to the first meeting of the Young Men's Christian Association that was held here at the request of the chaplain, and I thought it was a good time to get in my say, to help along the cause, and I told them I considered that the practical application of Young Men's Christian Association ideas could take place right here and now and immediately, better than anything I knew of, by showing kindness and consideration to the young fellows who come here homesick, and a good many of them disgusted; and that I thought that if they would apply their Christianity by showing brotherly good will toward them it was the best evidence they could give of their Christian spirit. No, sir; the question in the case had been clearly put to these young men, but I tell you they had made up their minds to follow the bad customs that had existed here for a long time, apparently, and to make a law unto themselves. They had reserved the right to do certain things, and it has been the hardest thing we have had to do to break down that spirit. I think it is pretty well broken now.

Mr. DAWSON. There were no orders issued giving special punishment for offenses in the way of hazing at the commencement?

Captain COLVOCORESSES. No, sir.

The CHAIRMAN. The act of March, 1903, required that the superintendent of the Naval Academy—you are familiar with it?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Required that the superintendent of the Naval Academy shall issue such special rules and regulations as shall tend to do away with hazing.

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Do you know if anything along that line has been done since the law was passed?

Captain COLVOCORESSES. No, sir; I do not.

The CHAIRMAN. Nothing has been done—you mean no special rules have been issued?

Captain COLVOCORESSES. No special arrangements have been made outside of the usual precautions that are taken to preserve good order and law. There has been no special set of rules, such as I find in the West Point regulations.

The CHAIRMAN. The new regulations, which will be promulgated soon, do they contain anything along this line?

Captain COLVOCORESSES. They contain everything that could possibly be construed into hazing. There could not be any mistake. I suppose there are two or three pages on the subject; also fighting.

The CHAIRMAN. Is there anything else, Captain, that you think of that you would like to say to the committee in relation to the management here or the discipline?

Captain COLVOCORESSES. There are one or two things I would like to speak about to you, sir. I would like to speak about the very disorganized and bad condition regarding the mess attendance here. There are considerably over one hundred boys that are brought in from the purlieus of Annapolis, many of them very small—not over 14 years of age—dirty beyond degree, and they are the ones that have to provide the food or furnish it to the table to our young men. I think it is the most demoralizing thing.

The CHAIRMAN. The waiters?

CAPTAIN COLVOCORESSES. The waiters; yes, sir.

The CHAIRMAN. They have nothing to do with the preparation of the food?

Captain COLVOCORESSES. No; we have certain cooks, but the whole force in my opinion ought to be known as a mess attendants class who are ship men. These boys get very small wages. I think \$10 a month is what they get, and many of them have only one suit of clothes.

The CHAIRMAN. Are they colored?

Captain COLVOCORESSES. Colored, all of them—black as the ace of spades, most of them, and of the lowest type of colored people. They work here for a little time. They are not under military discipline. They are citizens and we can not do anything to them. Whereas, if they were enlisted men we could have them under training and we would let them sleep here. These boys go out to different places, and I have not any doubt that they can bring in disease at any time—smallpox or anything else.

The CHAIRMAN. Is it thought that the epidemic of diphtheria was so brought in?

Captain COLVOCORESSES. Many have thought so.

The CHAIRMAN. Was there anything tending to show that that is true?

Captain COLVOCORESSES. I think the surgeons consider that it was brought in from the outside, but we have had so many outside forces in—all the workmen that have been here, and that are still working on that building there, and these mess attendants—that it would be quite impossible, I think, to establish where it came from. I should like very much to see them changed and to get a force of regular mess attendants of the Navy, who are enlisted men, and who get wages enough to be decent and clean. I would like to see them sent here to do the work. With that great building I have only one orderly for the purpose of patrolling it. There should be two on duty all the time. This man is the only one awake in that building to patrol it night and day. At night, when they are all turned in he has to go through these miles of corridors. There ought to be several men. Our masters-at-arms ought to be doubled—our watchmen here. I merely speak of these things because they come in a general way under my observation. They are excellent men, who have been here a long time, and they are getting old; but there is no one to take their places, and they are not sufficient. If we are to have very careful supervision of the midshipmen and not trust to them we have got to have a great many more officers in the discipline department.

Mr. DAWSON. Would it be practicable to have all four of the disciplinary officers under you eat their meals in the mess hall at the same time?

Captain COLVOCORESSES. No, sir; it would not, under the present arrangements at all, because they are quartered outside, and they have their families and everything of that kind. It is one of the most onerous positions, I assure you, gentlemen, in the service. I am afraid we are going to have the greatest difficulty in getting officers to come into that department.

Mr. DAWSON. Into the discipline department.

Captain COLVOCORESSES. Yes, sir. We have to find fault all the time. Some of the boys are in trouble, and I have to see all of the

young men. I have to say pleasant things and do pleasant things, and to be on the alert all the time there. These officers are sometimes up until 2 and 3 o'clock in the morning. They are pestered and bothered by all sorts of things, and it is enough to make a man's nerves shake early.

Mr. DAWSON. Would it do any good to adopt here the practice at West Point of putting only bachelor officers in those disciplinary positions?

Captain COLVOCORESSES. If you can get the bachelor officers; yes, sir. Naval officers marry very young, somehow. Then, the building is not suited for that. The building at West Point, as I understand, was built with that in view, and they have their officers' quarters so arranged that they are not——

Mr. DAWSON. My questions were directed with special reference to the mess hall, where it appears from the testimony a great many infractions of the regulations have taken place, by reason of the immense size of the mess hall and the presence of only one officer in the center of it.

Captain COLVOCORESSES. Yes, sir. I do not think that can be remedied, except by placing a great many guards in there. You could have marine orderlies there instructed to report to the officer, but we object very much, and you can understand why, to having those privates come in and take these embryo officers and report them. If we can get the boys up to a proper standard it will not be necessary.

Mr. DAWSON. That would not be in accord with your idea of placing the responsibility on the upper class men?

Captain COLVOCORESSES. No; it would not. They would then feel at once absolved. They would say: "If we can escape that watchman, or that orderly, our responsibility has ceased. We are not called upon to do anything that we can avoid doing."

The CHAIRMAN. Speaking of these attendants on board ship, they are regular enlisted men, assigned for the duty?

Captain COLVOCORESSES. They are shipped as a class—mess attendants.

The CHAIRMAN. They are shipped as a class by themselves?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Then your idea is that out of all those who enlist in the Navy as—what do you call them?

Captain COLVOCORESSES. Mess attendants.

The CHAIRMAN. A sufficient number should be assigned here?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. It would take about one hundred of them?

Captain COLVOCORESSES. Yes, sir; 115 or 120. That is what they had here when the diphtheria broke out. They sent a whole lot from Norfolk here. Of course we could exercise no quarantine at all with the boys going in and out to town.

The CHAIRMAN. Are they kept on one ship during the course of their enlistment, or is that as it happens?

Captain COLVOCORESSES. As it happens.

The CHAIRMAN. If a ship goes out of commission they go somewhere else?

Captain COLVOCORESSES. Yes, sir.

The CHAIRMAN. Would you have them remain here during the term of their enlistment?

Captain COLVOCORESSES. Yes; and they would go on the practice cruise. We would have them quartered on the *Hartford* or the *Santee*, or in a building where they can have every convenience for keeping clean and can sleep.

The CHAIRMAN. Would there be accommodations here for them without building more?

Captain COLVOCORESSES. Yes; the *Hartford* and the *Santee* are both available.

The CHAIRMAN. They could be used all the time?

Captain COLVOCORESSES. Yes, sir. I do not know whether you would like to have me speak about other matters. This question about the watchmen has troubled me, because I think they are very worthy men, and I do not see that there is much chance for them. Several of them are old soldiers and sailors, and they are getting old and there is no provision for their future, and there are no persons coming in to take their places.

The CHAIRMAN. Is it not within the province of the Navy Department to send them somewhere else and send in new ones?

Captain COLVOCORESSES. They can not do anything with them. All such people come in now under the civil service.

The CHAIRMAN. They are not in the naval service?

Captain COLVOCORESSES. No, sir.

The CHAIRMAN. They are merely the ordinary watchmen of the building?

Captain COLVOCORESSES. They perform general police duty around the yard.

The CHAIRMAN. Under whose direction are they?

Captain COLVOCORESSES. Under mine.

The CHAIRMAN. But could they not be sent to some other place where watchmen are required, and younger men, better fitted to treat with the boys, sent here, under the existing law?

Captain COLVOCORESSES. No, sir; I do not think so; and I do not think we would get as good men.

The CHAIRMAN. In Washington there is no objection to transferring men from one department to another—for instance, from the Pension Office to the Treasury Department.

Captain COLVOCORESSES. Yes, sir. These men have been here a good many years.

Mr. DAWSON. Such transfers can only be arranged by the consent of both departments, under the civil-service laws.

Captain COLVOCORESSES. I do not speak in the way of finding fault with the men. They are most excellent men, and are not to be blamed for getting old; but there is no future for them. If they were regular enlisted men of the Navy they would be pensioned and would have something to look forward to in their old age. It is only natural we desire to keep them on as long as we can. They are getting to be old men, some of them.

The CHAIRMAN. I am unalterably opposed to any system of civil pensions, personally.

Captain COLVOCORESSES. Yes, sir; I suppose that is so. We have not as many of them as we need. We have marines come over from the force that is in the school of application. They send detachments over here to do duty. I think it would be much better if we had our

own detachment—tried men who have been at sea and know something of the service, to perform our guard duty.

The CHAIRMAN. Is there anything else touching the discipline or duties that you would like to bring to our attention, Captain?

Captain COLVOCORESSES. No, sir. I hope we will be able to have at least six officers in the discipline department, to give these gentlemen some relief.

The CHAIRMAN. That is in the discretion of the Secretary of the Navy, provided he has officers to send.

Captain COLVOCORESSES. Yes. I feel that they are worked pretty hard, and there is not very much encouragement.

Mr. PADGETT. I wanted to ask your opinion as to what you think of the efficacy and what will be the future result of the pledge which has been made—not a pledge; I withdraw that word pledge—but of the declaration that has been made.

The CHAIRMAN. The voluntary action.

Captain COLVOCORESSES. I should have perfect confidence in it. I have faith to believe those young men mean exactly what they say. I trust before we get through that every one in all the classes will come forward and do the same.

Mr. PADGETT. What do you think the effect of it will be upon the moral status of the boys with reference to hazing?

Captain COLVOCORESSES. Most excellent. That is what I told the last first class—that they had an opportunity of distinguishing themselves beyond all others if they would only take it and come forward and crush all these things at once.

Mr. PADGETT. I fully agree with you in that opinion, and I think it will have a good result.

Captain COLVOCORESSES. I am so glad that you gentlemen have given them encouragement to come forward and do that, because I have the highest opinion of their general goodness. Of course you find boys among them who are not any different from what you find elsewhere; but the average boy that is here at this academy is a very fine lad.

The CHAIRMAN. They are of a selected class.

Captain COLVOCORESSES. They are, indeed. I am brought in contact with them in every possible way, and I want to speak for them. I am sorry the newspapers have been so hard on them. They feel it very much. I tell them, "Now you have got the credit of the academy to uphold. You have got to outlive this thing. A large part of this is because the people are disappointed in you. You have got to outlive it."

The CHAIRMAN. You can say to them that even as good and pure and wise men as members of Congress are referred to very disrespectfully by the newspapers.

Captain COLVOCORESSES. Yes, sir; I expect so.

Mr. PADGETT. I feel that these meetings will have the result of creating a better moral and disciplinary atmosphere among the boys themselves.

Captain COLVOCORESSES. Yes, sir. The thing had reached a crisis. It was bound to come sooner or later. You have to purify the atmosphere every once in a while in these places.

Mr. PADGETT. In that connection, about the class action in regard to hazing, the present second class, which will be the first class next year, has taken action?

Captain COLVOCORESSES. Yes, sir.

Mr. PADGETT. Now, if the present third class, which will be the second class next year, takes the same action, will it be within the power of those two classes to suppress hazing, regardless——

Captain COLVOCORESSES. Yes, sir; if the senior class will do its best hazing will be stopped, because they are right in with it all the time.

Mr. PADGETT. Regardless of what the present fourth class may do?

Captain COLVOCORESSES. Yes, sir; but it is very desirable to have them all come forward.

Mr. PADGETT. I realize the desirability of having the present fourth class take some action, but if they should fail to do it the first and second classes next year would be able to suppress hazing anyway.

Captain COLVOCORESSES. I want to say that I do not admit, whether they take it or not, that we can not suppress it anyway. I am very glad to have them show the right spirit, and so on, but I do not want them to feel that the discipline of this academy is dependent on them.

The CHAIRMAN. All the cadet officers being appointed by the first class, and this action having been taken by them, insures their help in reporting all infractions.

Captain COLVOCORESSES. They have come to me very nicely, and have asked me about it. I said, "Do it of your own volition, and show that you do it of your own volition, and not because you have been egged on by anyone to do it. It will be to your credit to show that it is something that is done of your own intent and purpose." We can not afford to make agreements with our subordinates in the military service. They have got to obey; and if a wrong order is given, that is the fault of the superior. If they are abused, they have got to take the right means to get redress. But they ought to obey under all circumstances.

The CHAIRMAN. That is all I have to-day, Captain, unless some of the other gentlemen want to pursue the inquiry further. We may, before we leave, desire to have you come in on some other points that may develop. You will be here to-morrow?

Captain COLVOCORESSES. I was thinking of being away to-morrow and the next day. I thank you very much for having given me so much consideration to-day in the matter of coming before you.

The CHAIRMAN. We thought we might just as well do it to-day.

Mr. DAWSON. I want to ask one more question, Captain. Do the records of your office for the last academic year show that any midshipmen were punished, either by demerits or otherwise, for practicing either running or fagging?

Captain COLVOCORESSES. No, sir; every offense is entered in a large book there by the reporting officer, and all about it, and the number of demerits assigned. There was nothing in the way of fagging or anything of that kind. Fagging was not developed fully until this Decatur matter came up in the court-martial. Nobody ever dreamed that this fagging business had reached here. I supposed that existed in Rugby in Tom Brown's day, but I did not know we had it in this country at all.

The CHAIRMAN. The boys all deny it by the name of fagging. They will not acknowledge the name "fagging."

Captain COLVOCORESSES. It is a friendly act.

Mr. GREGG. They say they know nothing about it except from reading of it in the English navy.

Captain COLVOCORESSES. That is very funny.

Mr. PADGETT. But they tell of cases of it.

Mr. GREGG. Yes; it is a case of "A rose by any other name."

The subcommittee (at 6 o'clock p. m.) adjourned until to-morrow, February 21, 1906, at 10 o'clock a. m.

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., February 21, 1906.

The subcommittee met at 10 o'clock a. m., Hon. E. B. Vreeland in the chair.

STATEMENT OF LIEUT. C. P. SNYDER, U. S. NAVY.

The CHAIRMAN. Lieutenant, this is a subcommittee of the Naval Committee of the House of Representatives. We are here under a resolution of that committee to inquire into the management and discipline of the academy, especially as it relates to hazing. Orders have been sent by the President and the Secretary of the Navy to the superintendent that any officers attached to the academy shall appear and answer all questions concerning the same, as desired by the subcommittee, so that you are here in the line of duty.

Lieutenant SNYDER. Aye, aye, sir.

The CHAIRMAN. What are your present duties here, Lieutenant?

Lieutenant SNYDER. At present, sir, I am in the departments of navigation and mechanics—two departments—as instructor.

The CHAIRMAN. How long have you been here?

Lieutenant SNYDER. I was ordered here, or reported here for duty rather, on the 16th of August.

The CHAIRMAN. The 16th of last August?

Lieutenant SNYDER. Yes, sir. Understand, sir, I have only been instructor since the term opened. That was about the middle of October.

The CHAIRMAN. Yes; the 14th.

Lieutenant SNYDER. When the studies began; yes, sir.

The CHAIRMAN. When did you graduate here?

Lieutenant SNYDER. I graduated in 1900—six years ago.

The CHAIRMAN. Your knowledge of affairs here, then, is recent and continuous?

Lieutenant SNYDER. No, sir. I did not see anything of the place, you see, sir, for five years. That is, of course, I could tell you anything that——

The CHAIRMAN. You were here four years, then you were gone five years, and now you have been here since August?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. Tell us about hazing as it existed when you were in school here, closing with 1900.

Lieutenant SNYDER. In order for me to tell you anything in regard to that, if you want a relation of it to 1900, when I was here——

The CHAIRMAN. I say, closing with 1900, during the time when you were familiar with it—four years.

Lieutenant SNYDER. The last two years here, my upper class, second and first class years, I knew there was something of the kind that went on, but of course in those days we never indulged in any such thing. That is, the upper classes never had anything to do with anything of that kind—particularly first class men.

The CHAIRMAN. What year did you come in?

Lieutenant SNYDER. 1896.

The CHAIRMAN. Were you hazed?

Lieutenant SNYDER. Under the present definition of the law, I was; yes, sir.

The CHAIRMAN. Were you hazed physically?

Lieutenant SNYDER. Well, I was made to do the standing on the head.

The CHAIRMAN. Then you were hazed?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. About the same line they have now—the sixteenth, the rabbit dance, the leaning rest, the locker, and so forth?

Lieutenant SNYDER. No, sir; they are all new to me. The only one we ever——

The CHAIRMAN. The sixteenth is new?

Lieutenant SNYDER. The sixteenth and standing on the head they had in my day. I never knew of a man who was physically injured or, in fact, discommoded, discomforted in any way. We took it, as I remember, just as apparently some of them seem to have done now—of course I only know from what I have seen in the papers—more in the spirit of fun. In fact, I have known many a classmate of mine and have seen many a man go to a room where upper class men were purposely to indulge in it. They thought they were being neglected if they did not receive some attention.

The CHAIRMAN. Did they send them under the table in those days?

Lieutenant SNYDER. No, sir; not in those days. It would have been impossible. There were only 240 of us, and it would have been absolutely impossible to do such a thing. I must say, in justice to those days, that I never knew of any man being humiliated, unless he was humiliated——

The CHAIRMAN. Except by what they call running?

Lieutenant SNYDER. Yes, sir. For instance, it was never countenanced, I think—I know, in our day a man was not supposed to be humiliated or in any way insulted. If he was, it immediately became a personal affair. We had no such system, of course, as this code, as they call it. It was not a recognized fact that if a man had a fight he was to keep on fighting until he was licked—until he was battered up.

The CHAIRMAN. Did you have class fights then?

Lieutenant SNYDER. Never class fights; always personal.

The CHAIRMAN. How did they enforce what hazing they had? How did they enforce standing on the head?

Lieutenant SNYDER. It was more or less a recognized custom that had passed down. The power of enforcement, as I look back on it in retrospection, was more of an imaginary one than a real one. If a man had really refused to undergo any of this treatment I have no doubt that nothing would ever have happened. He would probably have had a fight or two, but it would have been more or less of a personal nature.

The CHAIRMAN. Some one would have picked a quarrel with him?

Lieutenant SNYDER. Yes, sir. Further, in that connection I would like to say that usually in the case of fights of under class men, fourth class men, with upper class men, you would find most of the sympathy would usually be with the fourth class man from the other upper classes, because a fight never took place unless there was some cause for it—something humiliating, some insult, or something that any man would fight for in any walk of life.

The CHAIRMAN. Rates prevailed, I suppose, in those days when you were here?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. How were they enforced.

Lieutenant SNYDER. By the same sort of, you might say, ethical enforcement. A man is supposed to realize what he could do and what he could not do. Then there was more or less of the custom of laxity in the performance of duty in such cases. For instance, in those days—I am speaking of when I was an under class man particularly—we thought that if we did not stick to what we were supposed to (the rate as they spoke of it, the same as they do now) that we would probably be gotten after not only in the hazing line, but also that we would probably be reported oftener than we would have been if we had not.

The CHAIRMAN. By the cadet officers?

Lieutenant SNYDER. Yes, sir; by the cadet officers.

The CHAIRMAN. Hazing, as it existed then—that sort of hazing, I suppose, was not especially objected to by the officials, the disciplinary officers? They took very little notice of it?

Lieutenant SNYDER. I should not say that, sir. Of course, there were never, as I remember, and as I recollect, any cases—well, once, when I was a first class man a case came up of a fourth class man. It seems he had written home, We never thought at the time, as I remember, that he objected at all, but his parents evidently did. They objected, and there was some trouble; but there was no court-martial. There was an investigation of it, of course, but I do not recollect what became of it. That was the only case that occurred while I was here that I knew of. But, of course, I have seen officers in those days prevent things. For instance, they would take every step they had power to to prevent interference with under class men by upper class men. I never noticed any inclination of the officers not to attempt to detect any such thing.

The CHAIRMAN. I infer that hazing of a milder type, without the enforcement of class fights, which prevailed while you were here, would not need to receive special attention from the disciplinary officers?

Lieutenant SNYDER. No; None of it was ever done, you see. None of this was ever done, and nothing in the actions of a fourth class man would convey to an officer that he was being interfered with at all. For instance, I have noticed descriptions now of the way they say they make them square corners, and things of that kind. Since I have been on duty I have stopped fourth class men, and make them stop that, because the idea of going squarely up to a corner and facing around, when only one is walking, looks ridiculous. It does not amount to anything, but I stopped it several times since I have been here. We never did anything of that kind, and were not required to do it, as I remember. I walked through the grounds the

same when I was a fourth class man as I did when I was an upper class man. There was a rule, as I remember, and I believe they have the same thing now, but that always applied to gravel walks. In those days there were walks that cut cater-cornered across the yards, rather than going straight down the main walks, and going square. I believe the lower class men were always supposed to stick to the main walks, and walk squarely, instead of taking the short cut. That was somewhat in the line of a rate.

The CHAIRMAN. You think the amount of hazing which prevailed during your school years here was very mild and did very little damage?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. As you remember it?

Lieutenant SNYDER. As I remember it. I never did anything that I felt I was being humiliated by, or anything of the kind. I do not recollect of any case that happened during my four years at the academy when a man was injured. Perhaps I can recall, in looking over this whole business, since it came up. I was trying to recall fights which occurred during my four years, and I could think of only four, and of those, every one was of a personal nature. Some upper class man had made himself particularly obnoxious or disagreeable to a lower class man; but as I say, in every case nearly, it was a case of a personal nature between them, and usually the sympathy of the rest of the upper class men was with the under class man, because it was of a personal nature.

The CHAIRMAN. When you got back in August I suppose that you had no knowledge that the hazing system had changed any, or the rating system, but supposed that it was still of the same character, which would need to attract no special attention. You had heard of nothing in the meanwhile, I suppose, of a more severe character?

Lieutenant SNYDER. I could not take a personal view of it then, of course. Of course, when I am placed on duty I am required by the commandant to stop any practices giving the least indication of interference whatever, even in the mildest form. If I am on duty I am bound to correct it.

The CHAIRMAN. But your view of the character of it would be, of course, that which you took away with you, unless you had——

Lieutenant SNYDER. Yes, my personal view; but, of course, I would eliminate that immediately when I got back on duty.

The CHAIRMAN. I do not mean that you would permit a boy to be placed on his head in your presence.

Lieutenant SNYDER. Or any interference at all.

The CHAIRMAN. You would naturally think that hazing was less to be censured than a great many other violations of the rules named here, as you remembered it. If it had always remained of the type which existed when you were here it would receive less attention than a great many other violations of the rules?

Lieutenant SNYDER. No, sir; I could not have held that view when I was on duty. Any violation of the regulations whatever, be it however small, if I am on duty I have to correct it. It would be absolutely incompatible for me to go on duty and allow anything to escape my notice which by due vigilance I was supposed to correct.

The CHAIRMAN. Yes; but the seriousness of the offense would have some bearing upon you as to the amount of vigilance that you

would use when on duty in looking it up, I suppose. You did not put in your leisure time in going through the boys' wardrobes to see if a toothbrush was on the right shelf?

Lieutenant SNYDER. Not at all.

The CHAIRMAN. That was not of a serious nature, so that you would feel that your mind would be on it. That would come along incidentally.

Lieutenant SNYDER. I am required by the regular routine, if I am on duty as a discipline officer, to make certain inspections. Of course, at those times I would pay attention to everything I could possibly think of—any infraction of the regulations—and at all times it would be my duty to keep a lookout for any infraction.

The CHAIRMAN. But there might be something more serious—what is it they call it, frenching—when they go out without leave?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. That is supposed to be a pretty serious violation?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. While you are on duty, if a boy had a reputation for frenching, and you were suspicious of him, would you not give him a little special attention to see that he was on hand?

Lieutenant SNYDER. No, sir; I would not pay any attention to him unless I heard that he was outside of academic limits. Then I would take steps to ascertain who it was.

The CHAIRMAN. What do you mean by "heard?"

Lieutenant SNYDER. That is usually the way they are found out. The watchman, the marine orderly, or somebody will report that a midshipman has left the grounds. They may have seen him go over the walls; or, as many a case has happened, as they say, they sometimes "run the gates"—go right by the guard. The guard may attempt to stop him, and he will not stop. The watchmen are unable to say who that is. Then the only way to do, I suppose—I never had a case of that kind during the time I was on duty as disciplinary officer, which was about a month, going on every fourth day—I was on eight or a dozen times altogether—I never had a case of frenching come under my notice. If I had, I suppose——

The CHAIRMAN. Does not the disciplinary officer take the initiative in looking into these things? He is not supposed to stand there and wait until an orderly or a gateman comes up and tells him?

Lieutenant SNYDER. No, sir.

The CHAIRMAN. He is supposed to use his intelligence and understanding constantly while he is on duty in looking for violations.

Lieutenant SNYDER. Certainly.

The CHAIRMAN. If they are serious violations?

Lieutenant SNYDER. Certainly. I meant that there would be no reason for me to suspect one man of frenching any more than there would be another. Therefore, I would look out for all consistently.

The CHAIRMAN. Do they all french equally?

Lieutenant SNYDER. No, no; but I say——

The CHAIRMAN. Why would you not look out for one man more than another? For instance, if one man had been hauled up two or three times for frenching would it not be natural for a disciplinary officer to give him more attention than the others?

Lieutenant SNYDER. It is not likely that he would know that, particularly a man who is on duty for a short time.

The CHAIRMAN. That may be the case, but I am asking you about the duties of the disciplinary officers, as you understand them?

Lieutenant SNYDER. Yes, sir; at all times during his tour of duty he is to observe and correct any infraction of the regulations, be it however small or large, or of whatever nature.

The CHAIRMAN. What are they supposed to be looking out chiefly for; serious regulations or minor regulations?

Lieutenant SNYDER. Everything.

The CHAIRMAN. A toothbrush on the wrong shelf or class fighting and frenching?

Lieutenant SNYDER. Both, sir. A combination of everything.

The CHAIRMAN. There are some three or four hundred rules there of all descriptions, little and big. I assume when you say you give attention to everything, that means you give attention to nothing in particular except what may turn up?

Lieutenant SNYDER. Yes, sir; that is it. You just exercise due vigilance to the best of your ability while you are on duty to correct or detect any infraction of the regulations, and report to the commandant.

The CHAIRMAN. Where do you stay in Brancroft Hall when on duty?

Lieutenant SNYDER. They have a regular office now, sir.

The CHAIRMAN. Was there not one there when you were there?

Lieutenant SNYDER. Yes; but not in the same place.

The CHAIRMAN. Where did you stay?

Lieutenant SNYDER. I had an office, assigned to the officer in charge. It was a room which I presume at this time is used as a midshipman's room. It was looking toward the water, in the right wing, and you entered the first side door as you came in the main entrance.

The CHAIRMAN. Was the building fully occupied when you were there?

Lieutenant SNYDER. No, sir; only that wing. There are four floors altogether. Until the upper class men came—that one company of upper class men that they had here—only three floors were occupied and when they came they put them on the fourth floor.

The CHAIRMAN. When you went on duty part of them were on the cruise?

Lieutenant SNYDER. Only one class was here, the fourth class.

The CHAIRMAN. There was only one class here?

Lieutenant SNYDER. Up to a certain time. I came the 1st of August. The 1st of September the upper class men returned from the cruise and went on leave.

The CHAIRMAN. When were you on duty as a disciplinary officer?

Lieutenant SNYDER. From the 16th of August until about the 20th or 24th of September—about the last of September.

The CHAIRMAN. Then, during most of that time only one class was here, and the few upper class men who were here were left over for some reason?

Lieutenant SNYDER. Yes, sir; you see, during the month of August there would be no one here but the fourth class.

The CHAIRMAN. You had a small number to look out for, comparatively?

Lieutenant SNYDER. Yes, sir. Well, there were two hundred and fifty-some, I believe, in that class.

The CHAIRMAN. Where did you stay in Bancroft Hall?

Lieutenant SNYDER. In the office assigned to the officer in charge at that time.

The CHAIRMAN. What time did you go on duty?

Lieutenant SNYDER. When I had my day's duty I would go on duty at 10 o'clock in the morning and remain until 10 o'clock the next morning.

The CHAIRMAN. Did you stay in the building all the while?

Lieutenant SNYDER. No, sir. At that time I was assigned not only for discipline duty, but for drills and other departments. I was in the steam engineering department for a time, and also in the seamanship department, in addition to my regular duties as disciplinary officer. So whenever I had drills, which was every day in either one of the two departments—I was not in the two at the same time; for two weeks I was in the steam engineering department, and had drill in some branches—I had to leave the building and take charge of the drill.

The CHAIRMAN. Would there be students there when you left?

Lieutenant SNYDER. Very few.

The CHAIRMAN. Were there many students at Bancroft Hall during the day, or merely at recitations?

Lieutenant SNYDER. There were no recitations then. That was before the Academy's term opened.

The CHAIRMAN. How is it now?

Lieutenant SNYDER. They are away most of the day.

The CHAIRMAN. Do any of the classes have study hour during the day in the hall?

Lieutenant SNYDER. Yes, sir; they come alternately. For instance, two hours is assigned to each department. One battalion—that is, half of the whole brigade—will come to certain recitations. For instance, take my classes in navigation. The second class now has navigation for two hours. The first battalion is here this morning, and I had the first battalion from 8 until 9. Then they go to their rooms and study from 9 until 10. The second battalion, or second class, recites from 9 until 10. It runs that way through all the classes in every subject.

The CHAIRMAN. Then there will be a portion of the time when there is no disciplinary officer in the building?

Lieutenant SNYDER. That was only during my term. Now, I believe, an officer is there all the time, and that is his only duty. I was a disciplinary officer and also had to conduct drills, too. Now, I believe, they have it differently. These officers are assigned for disciplinary duty altogether, and they are constantly in the building—all the time.

The CHAIRMAN. Some days you stayed there all day?

Lieutenant SNYDER. Yes, sir; some days I may not have had a drill, and then I would be there.

The CHAIRMAN. Some days you stayed all day?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. You went on at 10 o'clock in the morning?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. Tell us what you did all day.

Lieutenant SNYDER. At 10 o'clock I would go, and as soon as I would be relieved, and get any special orders, etc., which were given, I would make an inspection of the rooms, as required by the

regulations. You have to make a certain inspection every day, at a certain hour—that is, between certain hours. I would make an inspection of the rooms. Then I would come back to the office and attend to my routine duties. Any special orders that might come in I would see carried out, or send for the midshipmen to go to various places. They would be sent for by the tailor, or the doctor, for measurements, or something of that kind. I had to look out for those things. You see I am speaking now only of the times and of the experience I had with the fourth class. It was, of course, entirely different from what they have now. I couldn't say exactly what their duties are now; but most of the time they were kept busy, although they had no recitations. The second period, from 10 to 12, during the fall, they recited in French—they had French recitations; so they were always away. They had drills from 8 to 10, and French from 10 to 12. Most of them were out of the building then. There would only be a few there. I would go and see the commandant. He would probably send for me after I had made my inspection, to see about some reports I had made the day before, or anything of that kind. Then we had dinner at half past 12. After dinner, about twenty minutes to 2 or quarter of 2, whenever the afternoon period began, we used to give them half an hour's talk. We would take the regulation book——

The CHAIRMAN. You went with the cadets to dinner in the mess hall?

Lieutenant SNYDER. Yes, sir; I went with the midshipmen in the mess hall. It was then a temporary mess hall only—a part of the basement to Bancroft Hall, down under the building. It was only temporary for the fourth class men.

The CHAIRMAN. How large was that room?

Lieutenant SNYDER. That room was very narrow and rather long. It was divided into an L. For instance, when the fourth class was there they sat in the longer end of the L. When they had that one division of upper class men they sat in this end of a long corridor and I sat between. They did not mingle at that time. The fourth class were entirely distinct. They did not sit at the same table until the term began and they were divided up into their regular companies. The organization at that time consisted of this fourth class battalion, which kept entirely distinct; the upper class men hold overs who were kept for various purposes were entirely separate, and they formed them into one division to keep them in order and to march them to and from their meals. That was all. They went into the same room, but they were always in a separate part of the hall.

Mr. DAWSON. Were any of these disclosures of hazing in the mess hall that have been brought out by the board of investigation found to have occurred in this temporary mess hall?

Lieutenant SNYDER. Not that I know of. I do not think it would have been possible. It could not have been, because they were entirely separate. This L came this way [indicating], and this one went that way [indicating]. The fourth class men sat here [indicating] and the upper class men there [indicating]. The officer in charge sat about where you sit.

The CHAIRMAN. In the angle?

Lieutenant SNYDER. Yes. After dinner we had a half hour's

talk on the regulations. We would take the regulation book and go over certain regulations and explain them.

The CHAIRMAN. Where were they assembled for that?

Lieutenant SNYDER. In the mess hall.

The CHAIRMAN. They remained for half an hour's talk?

Lieutenant SNYDER. No, sir; they went out after dinner and probably remained half an hour.

The CHAIRMAN. And then came back?

Lieutenant SNYDER. And then came back for half an hour's talk. We talked about anything. We would give them advice about conducting themselves—how to do. They were new, of course, and we gave them just general advice on how they should conduct themselves. Then after that they went for two hours' drill in the afternoon. They had seamanship, and sometimes I would have to go to boat drill, with the boats or steam launches, and then get back about 5 o'clock.

The CHAIRMAN. Did you go with them or stay at the hall?

Lieutenant SNYDER. It depends upon whether it was my drill. If I had the drill I would have to go with them. I would go and take charge of them.

The CHAIRMAN. I mean when you stayed at the hall all day, except when you went to mess, where did you stay?

Lieutenant SNYDER. Will you please repeat that?

The CHAIRMAN. I am asking how you were employed during the day when you stayed at Bancroft Hall, except going to the mess hall.

Lieutenant SNYDER. After the mess, when they would go to drill, I would go to my office and remain there or in my room, which is right alongside of the office. I would go to the room and sit there until they came back. There would be no routine duties required unless the commandant would send for me for certain things. As soon as they got back to the hall I would go to my office.

The CHAIRMAN. Was there not a considerable number there at the same time in the building?

Lieutenant SNYDER. No, sir; probably two or three only—those who were on the sick list and those who were on duty.

The CHAIRMAN. I thought you said a moment ago that during all portions of the day there were quite a good many in the hall studying.

Lieutenant SNYDER. They had no studies in those days. This was in the fall.

The CHAIRMAN. In September?

Lieutenant SNYDER. August and September—the term doesn't open then.

The CHAIRMAN. It was before the regular term commenced, and hence there were no studies?

Lieutenant SNYDER. Except that one period in the forenoon, from 10 to 12, for French. You see that is an entirely different arrangement from what holds now. The duties are different. They are all——

The CHAIRMAN. I understand.

Lieutenant SNYDER. They are all new midshipmen, and they are only instructed in physical drills, and so forth. They gave them this period in French to prepare them. The French department

wanted to get them to a certain state, I believe, before they started on the regular term.

Mr. GREGG. They wanted to kind of coach them?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. Your term of service there was short, and was not during the school year, so that you could not give from experience the present routine of the disciplinary officers?

Lieutenant SNYDER. No, sir; I could not give it. I am sorry. I hope I have not talked too much and interfered, but I wanted to tell you just exactly what you wanted to know in everything.

The CHAIRMAN. Yes; you have made it very full.

Lieutenant SNYDER. Of course, in speaking of the routine I was speaking only of that time, and that was a peculiar condition.

Mr. DAWSON. In the course of these half-hour talks to the new cadets, to which you referred, was any special instruction given to them with regard to hazing, or their conduct with regard to hazing or being hazed?

Lieutenant SNYDER. No, sir. You see, it would have been impossible for me to touch upon a thing of that kind, because, as far as I was concerned, nothing of the kind existed, don't you see? I would simply take the regulations and speak of the regulations and the importance of obeying them. For instance, that sounds very simple to you, but you would be surprised to see the absolute inability of the new midshipmen to grasp the meaning of the regulations. For instance, take the regulations concerning the hours of visiting the library, or the regulations about sending clothes to the laundry. Those things are very explicit, and more or less of a minor nature, but if they do not know them it will give great confusion and multiply the work of the officers, you know. For instance, a man will not keep his list straight or does not conform to certain regulations. At first it is an absolutely new existence for them; they pick up the regulation book and they do not understand those things. The object of those lectures was to take the regulations and explain them to the boys. After a while they will see it readily, but at first you have got to be more or less verbose—or in other words, express it in simple language to make them understand it. I could not say anything about hazing, or their conduct in regard to it, because there was no such thing supposed to exist, and there was not for most of the time, of course. There would be no occasion for them to be hazed, because there were no upper class men here. A thing of that kind never entered my mind. The commandant cautioned the officers in charge—that is, he cautioned me, and I suppose he did the others; he simply would come when he would think of a thing—he said he did not know of any interference with lower class men by the upper class men. But, of course, always when they mingle you were to look out for those things, and cautioned to be on your guard particularly. I remember once I asked him about a regulation. In fact, one of my questions was the cause of an order. I had not been here for some time. In my day there was no restriction upon the visiting of upper class men upon lower class men, or vice versa. But since my time I knew there had been regulations here. I had heard from midshipmen who had come out into the service that they were not allowed to go on each other's floors—the fourth to visit the first class or the first to visit the fourth class. I asked him if that was to hold, and he said

that was under consideration, and for the present that would hold. At that time I remember I wrote that down in the order book. Of course, after they came back, in my mind I was on the lookout for any infractions of that kind, but I could not very well say anything to the fourth class men, because if I had mentioned to them that there was such a thing as hazing it would practically be the same as to say that I knew it existed, which I did not at that time. That is, there were evidently no appearances until this business of walking came about. Several times I noticed men walking on the edges of the walks and squaring corners, and so forth. I usually stopped them and made them walk in the center of the walks. Several times I stopped fourth class men and said, "Why do you do this? Are you doing this under any compulsion?" He always said, No; he was doing it because he wanted to.

Mr. DAWSON. It was a voluntary observance of the rate?

Lieutenant SNYDER. That is it exactly. I recognize that. It was impossible for me to say that they should not. I made them walk in the middle of the walk, but I suppose when they got out of my sight they would go back to the side of the walk again. If anyone had asked such a fourth class man about it I suppose he would have said the same thing.

The CHAIRMAN. Was the linoleum order issued with a view of changing their rate while you were in the disciplinary service?

Lieutenant SNYDER. With a view of changing what, sir?

The CHAIRMAN. It seems that the upper class men made a rate about walking on the linoleum.

Lieutenant SNYDER. Oh, yes, sir. That order was issued during my term of service. I was on duty when it was published. That was given by the commandant, of course. He told me at the time—that is I heard; I don't know whether I heard from the commandant or the superintendent—he said they were all walking on the edges, and of course they must go to the center to preserve the linoleum; in other words to make it wear evenly. All of the people walking on the edge would wear it away. That was his object. But at the same time he thought the reason they walked on the edge was because they were required to by the upper class men.

The CHAIRMAN. What was the order given for, to save the linoleum, to stop rating, or both?

Lieutenant SNYDER. To stop both, I should say, sir. I do not know. I simply received the order and published it.

The CHAIRMAN. Did any of the class men laugh when the order was read to them?

Lieutenant SNYDER. Oh, yes. They were standing in battalion formation.

The CHAIRMAN. Why did they do that?

Lieutenant SNYDER. That I could not say. I could not give their motive for laughing.

The CHAIRMAN. I supposed you had some theory about it.

Lieutenant SNYDER. No, sir.

The CHAIRMAN. I supposed it would attract your attention so that you would have some theory about it.

Lieutenant SNYDER. I was absolutely astounded, however, that anything they should be thinking of would lead them to so far forget themselves as to break out in ranks. If it had been one or two cases

here and there in the battalion, it would not have been so remarkable, but the laughter was so general that it was absolutely astounding.

The CHAIRMAN. The whole class laughed, in brief?

Lieutenant SNYDER. That is what they did.

The CHAIRMAN. What was your theory as to why they did it.

Lieutenant SNYDER. I never had any theory. I suppose it struck them as amusing that they should be ordered not to walk—that, is, the mere fact of this order saying that they were not to walk on the edge of the linoleum, connected with the fact that they were required to by the upper class men, struck them as being amusing. It did not strike me so at the time. I was very much put out, and naturally very indignant that the whole battalion should break forth in laughter. I was principally struck with the breach of military decorum, of course, and the method of correction, if such could be gotten.

The CHAIRMAN. It was rather a serious breach, was it not, the reception of the order by the laughter of the whole class?

Lieutenant SNYDER. To my mind it would be. To my mind I can not imagine——

The CHAIRMAN. It was something that would deserve punishment, would it not?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. Did you punish them in any way?

Lieutenant SNYDER. No, sir; I could not punish them. Of course I would not have inflicted any punishment unless I conferred with the commandant, because I would not have a right to. You have to report infractions.

The CHAIRMAN. Leaving out all the details, did you attempt any punishment at any time?

Lieutenant SNYDER. Oh, yes; that is, I attempted an investigation. I immediately sent word to the acting cadet commander, and also the acting cadet commanders of the companies, to report those guilty of laughter. They all came to my office after dinner—the acting cadet commanders of the fourth class.

The CHAIRMAN. Who were the acting cadet commanders?

Lieutenant SNYDER. The fourth class men, I may recall now who they were, probably. Mr. Campbell of the fourth class; Mr. Chambers was then acting adjutant of the company. Campbell was one. Brainard was another. Mr. Gary and Mr. Hand. They were five of the fourth class men.

The CHAIRMAN. Hand?

Lieutenant SNYDER. Hand.

The CHAIRMAN. Was Riebe, or Reibe a cadet officer?

Lieutenant SNYDER. Oh, no.

The CHAIRMAN. They were fourth class men?

Lieutenant SNYDER. No; they were upper class men. That was an entirely separate company. This laughter was all in the fourth class battalion, and I only sent for their officers.

The CHAIRMAN. What class did they belong to, that you called up?

Lieutenant SNYDER. The fourth class men.

The CHAIRMAN. Were there cadet officers in the fourth class?

Lieutenant SNYDER. Acting cadet officers. This battalion was formed of the fourth class, and all the acting cadet officers were fourth class men.

The CHAIRMAN. Was that after Admiral Sands came?

Lieutenant SNYDER. Oh, yes, sir. That was before the beginning of the term, you see, sir.

The CHAIRMAN. Some one has testified, either Captain Colvocoresses or Admiral Sands, that no practice prevails here of having lower class men for officers at the present time; that all of the cadet officers are from the upper class.

Mr. GREGG. That is after the beginning of the school year?

The CHAIRMAN. I understood Captain Colvocoresses to make that distinction. I am informed that they used to have cadet officers from the lower class, and that that had been discontinued. Is that true?

Lieutenant SNYDER. Oh, yes, sir. They did not have any such thing in my day. It must have been long previous to that. I have never heard of it since.

The CHAIRMAN. Do they have cadet officers below the upper class now, during the school year?

Lieutenant SNYDER. No, sir.

The CHAIRMAN. But they do during the summer?

Lieutenant SNYDER. During the summer, you see, there is only one class left, and that is the fourth class. They have to have some one to divide them up into divisions.

The CHAIRMAN. But at the beginning of the school year that stops?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. Then they were acting cadet officers from the fourth class that you called up?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. And asked to report those who had laughed?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. Did they report themselves?

Lieutenant SNYDER. No, sir; they came into the office and told me it would be impossible to report all those who had laughed, unless they reported all the division, because the laughter was so general.

The CHAIRMAN. Practically all of them?

Lieutenant SNYDER. Yes, sir. I talked to them and tried to convince them of what a serious breach of decorum that was; but I told them that if that was the case, if I had to report the whole battalion, of course I would not make a written report, because, of course, they were new, they had only been here a few months, and after they had been here under the régime and discipline for awhile longer, particularly with the upper class men, I did not think they would ever be guilty of such a thing after they got used to the discipline.

The CHAIRMAN. You still feel that it was rather a serious infraction, which deserved punishment; but you gave it up through the regular channels, because it embraced practically the whole division?

Lieutenant SNYDER. Yes, sir; I did not make that report to higher authority. I simply corrected them and told them that if they realized and could carry out the duties of the office with which they were then intrusted—that is, after they realized more fully what their duties were, and so forth, they could themselves correct that if they were up to the standard which they should have. But of course they were new, and it was a new experience for them. But I passed it over, more or less, as a matter upon which advice should be given,

rather than correction, because I did not care to make a report of that kind to the commandant—that is, to report the whole battalion for this laughter in ranks. In thinking it over afterwards, I suppose I should have done it and made a report. Whether he would have punished the whole battalion or not, or called them up and gave them some talking to, I do not know.

The CHAIRMAN. Lieutenant, three of the class men—midshipmen—have testified that at that point, in relation to this linoleum order, in talking with some midshipmen in relation to this laughter, this serious infraction of discipline, as it was, you inquired how it was, why there should be such an outbreak. This midshipman replied that “They did not get enough discipline.” You then asked how that was, and the reply was that they could not get at them, meaning that the midshipmen could not get at them; that you indicated you would be out of the building for some time during the day, and that during that time a very large number of boys, whose names were down on a list, were hazed. What have you to say as to that?

Lieutenant SNYDER. Well, that all came out at the court-martial, as to the first part of that conversation, sir. As the testimony there shows, I said that the language was in substance correct as to his statement. I told him at the same time that we held this conversation—of course this was addressed to the men of the first class, to the officer, Mr. Brainard, the acting cadet lieutenant, and in the record of the court you will see, and the same thing I will say now—that I did not tell him that I should leave the building. It would be absolutely impossible for me to say that, and I did not say it, and it is down in my——

The CHAIRMAN. You did afterwards leave the building for an hour and a half?

Lieutenant SNYDER. Yes, sir; but I did not tell Mr. Brainard at the time I had that conversation with him.

The CHAIRMAN. Why would it be impossible?

Lieutenant SNYDER. Because, sir, I could not have him infer that I was going to leave the building because I wanted them to discipline these fourth class men. Do you not see, sir? It would be absolutely incompatible for me to have said that. At the time, if anything had been inferred, if I thought he could have inferred such a thing of course nothing of the kind would ever have happened; but to my mind, speaking to a first class man as I did then, I was referring, and all the testimony shows it, to the discipline which they would be subjected to by the first class officers; and to think that he could have inferred anything of that kind—that I could have meant hazing—I could not have possibly said anything of that kind and then said deliberately, on top of it, “I am going to leave the building.” In fact, I did not say to him at that time that I was going to leave the building at all. When I left the building, it was an hour or two after that, and the only person that I notified I was going to leave the building was the fourth class man who was the officer of the day.

The CHAIRMAN. That came out in the Mayo trial?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. Was not Mr. Mayo acquitted practically on the ground that he understood that hazing would be agreeable to the officers?

Lieutenant SNYDER. I have never seen the sentence and the decision of that court, except what I have seen in the press.

The CHAIRMAN. You know he was acquitted?

Lieutenant SNYDER. I know he was acquitted.

The CHAIRMAN. You understand that he was acquitted because although hazing was——

Lieutenant SNYDER. I understand he was acquitted on the ground that it was his honest conviction that I meant for them to haze.

The CHAIRMAN. Were you before the court-martial?

Lieutenant SNYDER. Oh, yes, sir; I was a witness.

The CHAIRMAN. The testimony of these class men at that point is about this: The class had laughed; you made no report upon it; the question was asked if you held any conversation with regard to the matter with an upper class man. The answer is, "Yes." Then the question is asked, "Did you hear the conversation?" The answer is, "Yes." "State to the court what it was." "Lieutenant Snyder stood a few feet in front of the company I was in and said to the three striper of the company, Mr. Brainard, 'what is the matter with these plebes nowadays, anyway?'"

Did you say that?

Lieutenant SNYDER. As I said in my testimony before the court—

The CHAIRMAN. Did you say that? Please answer the question.

Lieutenant SNYDER. I can not say whether I used those words or not. The substance, however, of the question is correct.

The CHAIRMAN. Then you did say in substance: "What is the matter with these plebes nowadays, anyway?"

Lieutenant SNYDER. Yes, sir; in substance.

The CHAIRMAN. Which was a very proper inquiry, I suppose?

Lieutenant SNYDER. Yes, sir; very proper.

The CHAIRMAN. "I think he said, also, 'You do not seem to have them in hand.'" Did you say anything of that kind?

Lieutenant SNYDER. No. I remember the conversation, sir. I asked him the first question, which you just read and which I agreed to. Then I asked him, "Why not?" as I remember, and he said—I said, "What is the matter?" and he said, "They don't get enough of it." That is the substance of it. I remember I said, "Why not?"

The CHAIRMAN. Wait a minute. Let us go back a little. You said: "What is the matter with these plebes nowadays, anyway?" Then what did you say next?

Lieutenant SNYDER. Then he replied to that question, I think, in substance, "They don't get enough of it." They say I said, "Why not?"

The CHAIRMAN. You are telling what you said, now.

Lieutenant SNYDER. As I stated to the court, I do not think I said that, but I would not be willing on sworn testimony to say that I did not. I would just as soon agree that I did say it. Then, when I asked him, "Why not," he said "we don't get at them." I said, "Yes, I suppose that is so." That is the substance of the conversation. As to the exact wording, and everything, I can not remember. The whole incident made such a small impression upon me at the time, and this was long months afterwards, and of course this court came up, and I couldn't remember my exact conversation with any one. That is the reason I would not say before the court on sworn

testimony, and would not state to this board that I said that, or would not say I didn't say it. I can not, on sworn testimony, swear that I said or did not say anything, and I would not any more to this board. I would not tell you I said or did not say it, but in substance that is the correct conversation, as I stated to the court.

The CHAIRMAN. Did not the upper class men and the other class men who overheard the conversation, or could they not fairly infer that it would not be objectionable to you if a little closer discipline was applied to them by the upper class men?

Lieutenant SNYDER. Well, no, sir. As I stated to the court, and I made my answer very concise, it is absolutely impossible that they should have drawn such an inference. I was speaking to first class men——

The CHAIRMAN. As a matter of fact, they did draw that inference, so it is not an impossibility.

Lieutenant SNYDER. To my idea it was; it was impossible to conceive how they could draw such an inference, particularly being first class men—that was to whom I was speaking. I was speaking to Mr. Brainard, and of course the other first class men, any one standing in the company, probably heard the conversation, as I said to the court, and a first class man, who within a month is to go into the service and be an officer—how he could think that a superior officer placed over him to detect all infractions of regulations and to uphold certain precepts—how he could deliberately sift out words from which it could be inferred that they were to violate those precepts, which I am bound by all traditions and honor, and comprehension of my duty, to uphold; how I could deliberately tell them, or say anything from which they were to infer that they were to break the regulations, I can not conceive of. That is my honest opinion. The court afterwards cleared the young man because they said it was his honest conviction that he did draw such an inference, honestly—that he thought I meant for him to discipline them by putting them through these hazing performances. Of course, the court's decision, I suppose, was given on the evidence produced. They could not convict or acquit on their opinions any more than on my personal opinion. My ideas on the subject could not have any weight with a court-martial, because they have got to take the evidence, of course, and they have got to take sworn evidence. I could not say exactly what I did say, or what I did not say; but I could say that I had no intention, and I did so positively. Absolutely nothing could have been further from my intention than to say what I did say with the idea that they were to draw such an inference. It would have been absolutely incompatible with my position.

Mr. DAWSON. What was the date of this incident?

Mr. PADGETT. The 24th of September, Sunday.

The CHAIRMAN. You say: "What is the matter with the plebes nowadays, anyway?" Then, as Mr. Brainard and several others who heard it seem to have understood it, you followed that by saying, "You do not seem to have them in hand," addressed to an upper classman. Assuming that they were right in their understanding of that language, I do not see how they could understand anything else except that they had been lacking in their duty in getting the plebes into a state of proper discipline.

Lieutenant SNYDER. No; I do not remember ever having said,

"You do not seem to have them in hand," at all. But, anyhow, that does not mean—to get them into a proper state of discipline would not mean an unauthorized assumption of correction by a class man in the form of hazing.

The CHAIRMAN. What other means of discipline would an upper class man have? What other means would Mr. Brainard or Mr. Mayo have?

Lieutenant SNYDER. They were first class men. They were acting cadet officers. They had no authority over the fourth class man at that time at all; but I was not referring to that time. I was referring to the fact that these were fourth class men, and absolutely new, and had never been under the jurisdiction of upper class officers. Why, of course, just as I said in the court, in giving my testimony, when questions were asked me as to what I meant by that, my reply in substance, as I remember it, was that they were subject to that inherent discipline which is in the service, by which a man realizes that he must receive and carry out regulations because of reverence and the example he gets from his superior officer. Of course that does not mean that that officer placed over him must use unusual means or put him through physical exercises, or anything of that kind, to exact that discipline. No more does it mean that he must continually make official reports——

The CHAIRMAN. How do you know what they understood?

Lieutenant SNYDER. I do not know what they understood. I am giving my idea.

The CHAIRMAN. When you said to them, "You do not have them in hand," what other means did Mr. Mayo or Mr. Brainard have for disciplining the boys except by hazing them? Could they inflict rates upon them?

Lieutenant SNYDER. I did not say that to Mr. Brainard.

The CHAIRMAN. I am assuming that they understood you aright. If they did understand you aright, and you did say what they say you said, then there could be no other possible penalty that they could inflict but hazing, could there?

Lieutenant SNYDER. Oh, yes, sir. I could not recommend any——

The CHAIRMAN. You do not seem to be able to understand the questions I ask you, and to give me an answer to them. I do not want a long dissertation. I want, as near as you can give it to me, an answer to my question, directly.

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. Will you tell me what other possible way Mr. Brainard or Mr. Mayo could have of enforcing discipline against those boys, as a punishment for laughing in that formation, except by hazing them?

Lieutenant SNYDER. I did not mean for Mr. Brainard or any one to enforce discipline——

The CHAIRMAN. I did not ask you what you meant. I asked if they could enforce discipline in any other way except by hazing, as a punishment?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. Well, sir, how?

Lieutenant SNYDER. When the academic term opened and those midshipmen were distributed—all the four classes were there, and they were distributed among the various companies—the upper

class men in that upper class company were bound to be officers and petty officers.

The CHAIRMAN. Why were they bound to be?

Lieutenant SNYDER. They were all upper class men.

The CHAIRMAN. Might not some other upper class men be appointed?

Lieutenant SNYDER. I know, sir, but——

The CHAIRMAN. Might not some upper class men be appointed and these not be appointed? Was there any certainty that those two upper class men were to be appointed officers?

Lieutenant SNYDER. Oh, yes, sir, because the number of officers and petty officers is such that the number in that class were almost bound to be appointed.

The CHAIRMAN. Almost bound? Is there any certainty that any two upper class men will be appointed at all? Are all of them appointed officers?

Lieutenant SNYDER. Not all, but half of them——

The CHAIRMAN. Answer the question.

Lieutenant SNYDER. I could not say.

The CHAIRMAN. You talk so much that I get lost in a forest of words. Are all of the men in the upper class appointed officers?

Lieutenant SNYDER. As far as those positions reach.

The CHAIRMAN. Are all of the men in the upper class appointed officers?

Lieutenant SNYDER. All the petty officers——

The CHAIRMAN. All of them?

Lieutenant SNYDER. In all——

The CHAIRMAN. Answer the question, if you can understand the English language, whether all of the upper class men are appointed officers?

Lieutenant SNYDER. I understand perfectly, sir.

The CHAIRMAN. Answer the question, then, as to whether they are all bound to be appointed officers. These were upper class men, were they not?

Lieutenant SNYDER. Yes, sir; first class men.

The CHAIRMAN. I say upper class men. Then I will say the upper class men, or first class men. They are not all appointed officers, are they?

Lieutenant SNYDER. No, sir.

The CHAIRMAN. Are half of them appointed officers?

Lieutenant SNYDER. I should say more than half, sir.

The CHAIRMAN. Then these two men, I suppose, might have been among the half that were not appointed officers?

Lieutenant SNYDER. But——

The CHAIRMAN. Is that true?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. These two men might have been?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. Then your proposition falls down at that point. There was no certainty that they would have been appointed officers?

Lieutenant SNYDER. They would not have to be officers, if they are first class men, to correct it. All first class men, in my day——

The CHAIRMAN. If you will be so kind as not to start again, I want to endeavor to get some information, if you will pardon me.

Lieutenant SNYDER. I was trying to give it to you to the best of my ability, sir. Of course, I understand——

The CHAIRMAN. All right, then. If you will please pay more attention to the questions, and endeavor to answer them exactly, we will save a great deal that I do not care for. Now, I understand there was no certainty that these two men would ever be appointed officers. Half of the class are not appointed, and they might have been among the half that was not appointed officers.

Lieutenant SNYDER. No; there was no certainty.

The CHAIRMAN. All right. These two men might never have been appointed officers, so there is no use in following that up any more.

Lieutenant SNYDER. Yes; there is; if you will pardon me.

The CHAIRMAN. Yes?

Lieutenant SNYDER. I was speaking upon the conditions as they existed in my day. All first class men, regardless of whether they were officers or petty officers, were on duty most of the time——

The CHAIRMAN. Does it make any difference how it was in your day if it does not prevail now?

Lieutenant SNYDER. Of course, I came here and was placed on duty without knowing the exact conditions of the place, and I presumed it was still the same, except that there was a large increase of the boys.

The CHAIRMAN. Then, do you wish us to understand that you were not familiar with conditions here at that time, and supposed that all these men were going to be appointed officers?

Lieutenant SNYDER. I do.

The CHAIRMAN. Then your theory was that they were certain to be appointed officers, and that everybody in the class were officers?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. You say that was true in your day—that all were appointed officers?

Lieutenant SNYDER. No, sir; because we had only one battalion, and there was not room for everyone, but, as I say, most of them were officers or petty officers. Three or four would be left out, but all the first class men were continually on duty.

The CHAIRMAN. You say most of them. Then the whole class were not appointed officers?

Lieutenant SNYDER. Well, sir——

The CHAIRMAN. You say every man in the first class was an officer?

Lieutenant SNYDER. An officer or petty officer. You understand what I mean by that. We distinguish between cadet officers and petty officers, don't you see; but their duties are the same, except that they differ in particulars. For instance, a cadet lieutenant commands a division; a cadet junior lieutenant is a first lieutenant; a cadet ensign is a second lieutenant; a cadet petty officer corresponds to a first sergeant, and so on down. There are eight petty officers in a division, and that gives eleven men in that division, you see——

The CHAIRMAN. How many were there in the first class in your day?

Lieutenant SNYDER. Sixty-one.

The CHAIRMAN. You had sixty-one officers?

Lieutenant SNYDER. Sixty-one officers or petty officers. No; I couldn't say, unless I stopped and figured it up, sir. I could figure it up in a few minutes. Right offhand it is difficult.

The CHAIRMAN. Did either one of the sixty-one men have a disciplinary office as regards the fourth class men?

Lieutenant SNYDER. Not as regards fourth class men any more than upper class men. They are supposed to have a disciplinary office concerning all under class men. First class men, particularly when they are on duty, and at all times, are supposed to assist in discipline and to correct all infractions of regulations by all classes.

The CHAIRMAN. We will assume, then, that they are appointed as you thought it might be. Every first class man was bound to be appointed a petty officer or some kind. Now, after he should be so appointed, how would he inflict punishment on this class that laughed, for this infraction of the rules, or violation of the rules, in laughing?

Lieutenant SNYDER. He could not inflict punishment. No one has a right to inflict punishment except by high authority. I can not punish a man, but I can so train him by example, and by a proper method of reprimand, by which he will never repeat such an offense.

The CHAIRMAN. We have spent ten minutes, then, in traveling up and down on that.

Lieutenant SNYDER. I would like to state, if you will allow me——

The CHAIRMAN. Wait until I finish. We have spent ten minutes in endeavoring to find out how the boys could be punished for this specific offense, unless you reported it. You stated it could be done by the upper class men——

Lieutenant SNYDER. Not punished.

The CHAIRMAN. That is what I am talking about, for the infraction of the rules, for laughing aloud in the company.

Lieutenant SNYDER. Will you allow me a minute? I would like to state, sir, that it is not my intention to give long-winded explanations. If you ask me for my opinion I want to give you my opinion. If you ask questions I shall try to answer succinctly all questions. But I do not like to come before this honorable body and not be placed in a proper light, because all along the press has cast such improper inferences on this thing, and brought my name into it in such an undesirable light. There is nothing wrong about it. If there had been I would have been investigated and punished by official authority, but there was nothing wrong at all. But all this is very disagreeable for me. I came before this committee resolved to tell you anything that I could possibly tell, and to give my opinion on any subject desired, and to do it in the most solemn manner. I do not want you to form a bad opinion of me. It is not that I desire to go into long-winded talks, and I beg your pardon if I have conveyed that impression.

The CHAIRMAN. I have no doubt of it, Lieutenant.

Lieutenant SNYDER. It grieves me greatly to come before you and to think that in any way I have incurred your displeasure. I understand you have lots of work, and I have been doing my best, and shall always do my best, in my language and everything, to give you my honest conviction of what has happened, and what I think, and anything I can.

The CHAIRMAN. Yes.

Lieutenant SNYDER. I am very sorry to have annoyed you in the least.

The CHAIRMAN. Well, now, Lieutenant, to go back to the point which I am trying to bring out. You did not report this class for laughing. Therefore I have been assuming that they would receive no punishment for it. Now, see if you understand it as I do. If you

had reported them they could have been punished if the commandant saw fit, in his discretion. They were not punished. Therefore there was no punishment along that line. Now I am saying, therefore, that by reason of your not reporting them there was no punishment of them. You have informed me that that is not a correct statement; that they could still be punished, notwithstanding your failure to report them; that the upper class men would be later appointed cadet officers and could punish them.

Lieutenant SNYDER. Not punish them, sir, if you will allow me to interrupt you.

The CHAIRMAN. Lieutenant, assuming that these young men understood you correctly when you asked, "What is the matter with these plebes nowadays, anyway?" and later when you said to this upper class man, "You do not seem to have them in hand;" now is there any way in which that company could be punished for the violation of the rules by laughing when an order was read, except by hazing?"

Lieutenant SNYDER. They could have been punished officially, but not punished in any other way. They could have been corrected, and so enjoined afterwards on the outbreak of individual cases of that kind that they would never repeat such a thing, and that, when the term opened, of course. There was no way they could have been corrected——

The CHAIRMAN. You did not report them, so there was no punishment?

Lieutenant SNYDER. No, sir.

The CHAIRMAN. Then, there was no other possible way of punishment of that particular offense unless they were hazed?

Lieutenant SNYDER. That would not be a punishment, sir—hazing.

The CHAIRMAN. Hazing is not a punishment?

Lieutenant SNYDER. No, sir. Punishment, sir, is——

The CHAIRMAN. I have been assuming here——

Lieutenant SNYDER. It is something inflicted by proper authority.

The CHAIRMAN. It has to be by proper authority in order to punish.

Lieutenant SNYDER. Yes, sir. I have no right to punish.

The CHAIRMAN. Then, if I step out and knock down one of the cadets he is not punished unless I am an official?

Lieutenant SNYDER. In your mind he is punished for an offense to you, sir; but he is not punished in the eyes of the officials or in the eyes of the law. He is aggrieved.

The CHAIRMAN. I suppose if he is knocked down, in his own eyes he is punished, however. He would not be splitting hairs as to how the authority came about, if he got knocked down. He would consider it punishment.

Lieutenant SNYDER. If there was something he had said or done, I think he would think he was properly punished.

The CHAIRMAN. Young Kimbrough thought he was punished, did he not, although it was not done by proper authority?

Lieutenant SNYDER. I do not know anything about his case——

The CHAIRMAN. You do not know anything about Kimbrough's case?

Lieutenant SNYDER. Except what I have seen in the paper. I have seen in the paper that he was hazed.

The CHAIRMAN. I was not assuming that you were present when he was stood on his head until he is alleged to have been uncon-

scious; but everybody in the country knows about it, I suppose, including yourself.

Lieutenant SNYDER. I do not know about the circumstances of it, except that he was said to have been hazed until he was unconscious.

The CHAIRMAN. That would be considered very severe punishment, would it not, whether it was official or something else?

Lieutenant SNYDER. No, sir. It would be severe treatment, I should say—brutal treatment.

The CHAIRMAN. Punishment would not fit your idea of it?

Lieutenant SNYDER. No, sir.

The CHAIRMAN. Was it not unofficial punishment?

Lieutenant SNYDER. No, sir—yes, sir——

The CHAIRMAN. Just let me state this—you seem to know so little about affairs here. If you will permit me, I will state it as I understand it, and you can answer it. I will say to you that according to the official evidence which we have read here, Mr. Kimbrough testified before one of these investigating committees in regard to hazing. He mentioned the names of upper class men as having hazed. As a punishment for that by the upper class men, one of them visited his room and stood him on his head and put him through other severe physical exercises until he became unconscious and had to be taken to the hospital. Now, you may assume that that is a record of fact, which has occurred here during the last school year.

Lieutenant SNYDER. You understand, sir——

The CHAIRMAN. Having that in mind, which I give for your information, I would ask you if he was not severely punished by the cadets for a violation of what they thought he ought to do, or for doing that which they thought he ought not to do?

Lieutenant SNYDER. Yes, sir; that is an illegal assumption, but he was punished according to their code of laws.

The CHAIRMAN. What difference does it make? He was punished?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. Then, you understand how I use the word. This is an explanation of what English means, and now you and I understand it. Bearing that in mind, as to what punishment means, official, unofficial, or whoever it is by, was there any way by which these boys could be punished for this violation of the rules in laughing when an order was read, except by hazing?

Lieutenant SNYDER. No, sir.

The CHAIRMAN. Well, sir, we have taken three-quarters of an hour to reach those two words.

Lieutenant SNYDER. I should add that I do not want to go on record——

The CHAIRMAN. Yes, sir; you are thoroughly on record.

Lieutenant SNYDER. I think you might do me the justice, sir, without any sarcastic insinuations—but I do not care to go on record before you gentlemen as saying anything of that kind, and placing me in a wrong inference. I am absolutely unable to follow intricate arguments. I am not used to it. I have never studied it. You can mix me up, and talk for hours, in language——

The CHAIRMAN. I don't know.

Lieutenant SNYDER (continuing). Any time you want to; but I am simply trying to state the facts of the case, so that I will not be placed in a bad light.

The CHAIRMAN. Had you not gone through all that before, Lieutenant? You have made your statement there to the extent of a page or two along the line as to your intentions and what you want to do. That is thoroughly on record. For my part, I will say to you that I am asking questions of you in the plainest English I know how to command. I asked you this same question to which you have now said "no," something like three-quarters of an hour ago. The whole intervening time I have spent in the endeavor to get to the point where you would answer yes or no to that question.

Lieutenant SNYDER. I did not understand how you wanted me to answer the question.

The CHAIRMAN. I wanted you to answer the question whatever the truth was.

Lieutenant SNYDER. Absolutely, sir.

The CHAIRMAN. Namely, on account of your not reporting these boys, was there any other way in which they could receive punishment except by hazing?

Lieutenant SNYDER. I said there was.

The CHAIRMAN. You answered that "No."

Lieutenant SNYDER. I said in the intervening time they could not have received punishment. They could have received correction.

The CHAIRMAN. That is what I am talking about—punishment. I am not talking about advice, admonition, or anything of that kind. I am asking if they could be punished—that is a plain English word, which we all understand—except by hazing.

Lieutenant SNYDER. I answered no; that punishment could not have been illegal.

The CHAIRMAN. I am not asking about illegal punishment. The manner of the punishment to the recipient does not matter very much. Fifty stripes on the back hurt just as much whether legal or illegal, or whoever it may be inflicted by. I want to ask you, furthermore, whether you know or not that a considerable number of these boys who laughed in formation were later punished by hazing by upper class men?

Lieutenant SNYDER. I do not know that a considerable number of them were; no, sir. I know some of them must have been, because that was brought out in the court-martial of Mr. Mayo, in which I was called in.

The CHAIRMAN. Do you know how many?

Lieutenant SNYDER. No, sir.

The CHAIRMAN. You do know it was a considerable number.

Lieutenant SNYDER. I say I do not know whether it was or not.

The CHAIRMAN. You know that some of them were punished.

Lieutenant SNYDER. Yes, sir; evidently, because it was brought out in the trial.

The CHAIRMAN. You know it was for this offense of laughing in formation.

Lieutenant SNYDER. No, sir; I knew as to those that came up in that case, but I did not know that any considerable number had been.

The CHAIRMAN. You knew that some of them were hazed by upper class men for this particular offense, did you not?

Lieutenant SNYDER. I only knew that they were hazed by Mayo.

The CHAIRMAN. Did you not know that is was for this offense?

Lieutenant SNYDER. In his case; yes, sir. But I did not know that any one else was up for hazing, who said it was for that offense?

The CHAIRMAN. Then you do know that for this particular offense some boys, more or less, were afterward punished by hazing by the upper class men?

Lieutenant SNYDER. By Mr. Mayo.

The CHAIRMAN. He was an upper class man, was he not?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. Then the answer to that is yes?

Lieutenant SNYDER. No, sir; only one upper class man. That is all I know. I do not know anything about this investigating board, sir. You may have all that before you. You have a great deal of information that I did not get——

The CHAIRMAN. If you please, now, what we know and what you know is entirely immaterial.

Lieutenant SNYDER. I know; but I am trying to excuse my inability to answer your question. Nothing would grieve me more than to annoy you, as I have apparently done. I would like to impress that upon you. Nothing can cause me greater grief than to annoy you gentlemen, as I apparently have done this morning. There is nothing on earth that I will not try to do if I can possibly do it.

The CHAIRMAN. You know, do you not, Lieutenant, that Mr. Mayo, who inflicted hazing upon this fourth class man as a punishment for laughing in formation, was acquitted by the court-martial on the ground that these upper class men understood that such hazing would be agreeable to you as the officer in charge?

Lieutenant SNYDER. That is so, sir. I did not know that he was acquitted on that.

The CHAIRMAN. Do you understand he was acquitted on that ground?

Lieutenant SNYDER. No, sir.

The CHAIRMAN. What did you understand he was acquitted on?

Lieutenant SNYDER. I understand he was acquitted on the ground that it was his honest conviction that that was the inference to be placed upon my words. That is the way the press had it, and as I received no official notification that satisfied me. If I had not received that which satisfied me I would have gone to the admiral and asked for an investigation. The press said: "Of course this does not mean that the statement of Lieutenant Snyder that he meant no such inference to be drawn must be disbelieved." Seeing that, I was satisfied. If that had not been there they would have probably said I was there in the performance of my duty and investigated my conduct. If they had not done so I would certainly have asked for it. It would have placed me in a very bad light, and I should have asked for a court of investigation or a court of inquiry, but as it came out it showed clearly my position was understood by the court-martial.

The CHAIRMAN. Is that your whole answer?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. The reporter may strike out everything after the first sentence—the matter of personal explanation. I just want an answer to the question.

Mr. Reibe was asked in this court-martial proceeding "whether any of the upper class men that had heard this conversation between the officer in charge and Mr. Brainard said anything to you in relation to the impression they formed as to the result of that conversation which they heard." The answer is "Yes, sir." "Please state to the court what it was." "Right after dinner almost everybody said that they took it for granted that he intended the first class men to take the plebes in hand and correct them for the breach of discipline in laughing at an order."

You say, Lieutenant, that you didn't inform them at that time that you were going to leave the building?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. But, as a matter of fact, you did leave the building?

Lieutenant SNYDER. Afterwards; yes, sir.

The CHAIRMAN. During the same day?

Lieutenant SNYDER. During the same day; in the afternoon; yes, sir.

The CHAIRMAN. You have learned, have you, that while you were gone this hazing took place by Mayo?

Lieutenant SNYDER. I learned that in the court; yes, sir.

The CHAIRMAN. Some of these boys—a greater or less number—who committed the breach of discipline by laughing while the order was read, were punished by hazing by Mr. Mayo during your absence from the building on the same day?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. What was your business away from the building?

Lieutenant SNYDER. Nothing, sir. I went home. I turned the office of the officer in charge over to my next in rank, the officer of the day, a fourth class man, and went home.

The CHAIRMAN. Was that a naval officer or a cadet officer?

Lieutenant SNYDER. A cadet officer of the day. I turned the office over. There was nothing to do, it being Sunday afternoon.

The CHAIRMAN. Was this on Sunday afternoon?

Lieutenant SNYDER. This was on Sunday; yes, sir. There were no drills and no studies.

The CHAIRMAN. You were supposed to remain there on duty, unless called away, the same on Sundays as on other days.

Lieutenant SNYDER. Oh, no, sir.

The CHAIRMAN. The officer in charge remains there?

Lieutenant SNYDER. No, sir. If you turn the duties over to the officer of the day, and there is nothing to do, you can go over home. My home is only about a block from the building. I walked over there. At that time I lived in this part of the yard. That is so; I lived up here. I lived up here, but that house is connected with a telephone, and I told him where I was going, and turned over to the officer of the day, which we are allowed to do when there is nothing to do here; no routine duties and no drills; I could turn over the duties of the office and go home for an hour or two. That is understood and authorized.

The CHAIRMAN. Your understanding is that next Sunday the officer in charge of Bancroft Hall will have a right to leave it any time he wishes? He is not supposed to remain there?

Lieutenant SNYDER. I should not say that he would. This was during the summer.

The CHAIRMAN. Have the rules and regulations been changed since then?

Lieutenant SNYDER. A great many—not rules, but customs. They had customs then that would not hold now, you see, because there are 900 now.

The CHAIRMAN. What do you mean by customs?

Lieutenant SNYDER. Authorized customs.

The CHAIRMAN. What do you mean by authorized customs?

Lieutenant SNYDER. Things you are given permission to do without being in the regulation books.

The CHAIRMAN. Given permission by whom?

Lieutenant SNYDER. By the commandant, your superior.

The CHAIRMAN. Has the commandant given permission since then to the officer in charge to leave the building?

Lieutenant SNYDER. I don't know, sir.

The CHAIRMAN. Has he changed the rule in any way about the building?

Lieutenant SNYDER. I don't know, sir.

The CHAIRMAN. Then I will recur to the question. Can the officer in charge of Bancroft Hall next Sunday leave the building any time he wishes to, or is he supposed to remain there as on other days?

Lieutenant SNYDER. I don't know what the present custom is.

The CHAIRMAN. I am not talking about customs, but the regulations. That is what authorizes it.

Lieutenant SNYDER. I do not know what the regulation is.

The CHAIRMAN. Lieutenant, do you mind stating to us why you left for an hour and a half at that time?

Lieutenant SNYDER. No, sir. I simply went home to see my family, sir; to be at home. I had only been on shore duty for a month and a half, so I walked over and sat on the porch and talked to Mrs. Snyder and several visitors there, I think, at the time. I can not recall who was there, but it was purely a social home visit, that is all; just to get away from the routine and sit down and talk a little. Instead of going in my room and reading I went over there.

The CHAIRMAN. No particular business called you away? You simply took occasion to go home?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. You are very sure the midshipmen misunderstood you, or else that they misrepresented the facts, in stating that you informed them you were going to be absent during the afternoon?

Lieutenant SNYDER. Yes, sir. The only person I informed of that fact was the cadet officer of the day. I do not know who else knew it. He was the only one I said it to. I did not tell Mr. Brainard in front of the company.

The CHAIRMAN. Where was it that you said it to the cadet officer?

Lieutenant SNYDER. After dinner, just before I left.

The CHAIRMAN. At the time of leaving?

Lieutenant SNYDER. Yes, sir.

The CHAIRMAN. You think the boys misunderstood you or that they misrepresented it?

Lieutenant SNYDER. I do not think they are misrepresenting, sir. I do not mean to say that they say I did it then as misrepresenting me. They understood that I did leave, and Mr. Brainard may have heard me tell the officer of the day. I don't know. They may have

thought that it came in the same conversation. I think they are perfectly honest in saying they thought I said it at that time, but I was certain I did not say it at that time, as afterwards was shown. The cadet officer of the day said that I told him, and I knew that I did tell him officially. That is the only time I did say it.

The CHAIRMAN. You say you are unwilling to swear as to whether you made the other remarks that they attribute to you. You are unwilling to swear to it as a matter of memory?

Lieutenant SNYDER. Yes, sir; as a matter of memory.

The CHAIRMAN. How is it you are able to swear positively about this, which occurred at the same time?

Lieutenant SNYDER. I knew I could not or that I would not have said that, sir.

The CHAIRMAN. Then, it is not a matter of remembering that you did not say it, but it is a matter of your inferring that you could not have said it?

Lieutenant SNYDER. Yes, sir; but you see I could not have said anything of that kind, sir—that is, that I was going to leave the building, saying it at that time, or any time. Although as I said, I did not think they could draw any inference. Afterwards, the whole occurrence made such a little impression upon me that I could recall very little about it; but I would be very willing to take my oath, which I did, that I did not say “I am going to leave this building,” thereby practically saying “You can do anything you want to.”

The CHAIRMAN. In connection with the other language used?

Lieutenant SNYDER. Not in connection with that. If at any time I notify a lot of midshipmen standing together that I am going to leave the building, it would sort of mean that I was giving them permission to indulge in anything.

The CHAIRMAN. As a matter of fact, in this case it was understood as an invitation?

Lieutenant SNYDER. Yes, sir; they understood it so.

Mr. GREGG. Mr. Snyder, you reported for duty here sometime in last August, I believe?

Lieutenant SNYDER. Yes, sir.

Mr. GREGG. On what date?

Lieutenant SNYDER. The 16th, sir.

Mr. GREGG. On duty as a disciplinary officer?

Lieutenant SNYDER. No, sir; I was simply ordered to report to the Naval Academy for duty.

Mr. GREGG. After you reached here you were assigned to duty as a disciplinary officer?

Lieutenant SNYDER. Yes, sir; for the time being.

Mr. GREGG. Temporarily?

Lieutenant SNYDER. Temporary duty, sir.

Mr. GREGG. After you came here did you hear by rumor or otherwise of the pledge made by the midshipmen to Admiral Brownson?

Lieutenant SNYDER. No, sir.

Mr. GREGG. After you got here?

Lieutenant SNYDER. I knew of that before. I heard it while I was at sea, sir. The midshipmen who graduated here for several successive years came to sea, and those with whom I served at sea told me there had been such a pledge.

Mr. GREGG. Did you also know that the midshipmen had been absolved from that pledge?

Lieutenant SNYDER. No, sir.

Mr. GREGG. When did you first learn that after you came here, by hearsay or otherwise?

Lieutenant SNYDER. Not until this trouble about hazing began to come out, sir. Then I got it from the papers.

Mr. GREGG. Until what trouble about hazing?

Lieutenant SNYDER. Until the first trial began—the first case. I can not say which it was, but until the first one came out in the press about it.

Mr. GREGG. At the beginning of this administration what instruction, rule, or regulation, if any, was promulgated among the midshipmen to prevent hazing?

Lieutenant SNYDER. I do not know of any, sir. I can not remember any.

Mr. GREGG. What, if any, precautions different from those taken during Admiral Brownson's time were taken to detect and prevent hazing?

Lieutenant SNYDER. I do not know of any. You see, sir, at the time I was on duty——

Mr. GREGG. You do not know of any. That is enough.

Lieutenant SNYDER. Except——

Mr. GREGG. Except what?

Lieutenant SNYDER. There was that one order, you know, that I spoke of. I said the commandant spoke to me several times and said that he did not know that there was any interference with fourth class men by the upper class men, but in order to make sure that there would not be he wanted the officers in charge to pay particular attention while they were on duty. This was before the upper class men came back, when I was on duty. That was when the temporary order was issued that for the time being the upper class men were not to visit the fourth class men and the fourth class men were not to visit the upper class men.

Mr. GREGG. I want to get clearly in my mind the number of upper class men at the academy during the different periods prior to the academic year. When you first came here how many of the upper class men were there?

Lieutenant SNYDER. There were not any.

Mr. GREGG. In August?

Lieutenant SNYDER. Yes, sir.

Mr. GREGG. Were there not any hold overs?

Lieutenant SNYDER. They were all on the cruise. They are only held over during the month of September.

Mr. GREGG. Up to the 1st of September there never are any except the fourth class?

Lieutenant SNYDER. That is all.

Mr. GREGG. When did they come in?

Lieutenant SNYDER. About the 1st of September. I do not remember the exact date.

Mr. GREGG. When the upper class men came in?

Lieutenant SNYDER. Yes, sir.

Mr. GREGG. All except a few were granted a month's leave, I believe?

Lieutenant SNYDER. Yes, sir.

Mr. GREGG. How many were retained at the academy, then, of the upper class men?

Lieutenant SNYDER. Between fifty and sixty, sir.

Mr. GREGG. Now, Mr. Snyder, you can answer this "Yes" or "No," I think: Does not the expression "You do not seem to have them in hand" refer to the then-present existing conditions?

Lieutenant SNYDER. I did not intend it so.

Mr. GREGG. But the language, I mean.

Lieutenant SNYDER. The language; yes, sir.

Mr. GREGG. The language does?

Lieutenant SNYDER. Yes, sir.

Mr. GREGG. Could the then-present existing conditions have been brought about except by something done before that time, or left undone?

Lieutenant SNYDER. I do not quite understand you. Will you give me that again?

Mr. GREGG. Could the then-present existing conditions have been brought about except by something done or left undone prior to that time? Do you understand my question?

Lieutenant SNYDER. No, sir; I do not exactly understand what you mean by "present existing conditions."

Mr. GREGG. They could not have had them in hand except by something done prior to that, could they?

Lieutenant SNYDER. No, sir.

The CHAIRMAN. Or left undone?

Mr. GREGG. Or left undone. Is it not a fact that prior to that time the upper class men had no authority or jurisdiction over the fourth class men?

Lieutenant SNYDER. Yes, sir.

Mr. GREGG. That is all.

The CHAIRMAN. I think that is all, Lieutenant. If we need you again we will send word to you.

The subcommittee (at 12.45 o'clock p. m.) took a recess until 2 o'clock p. m.

AFTER RECESS.

The subcommittee reassembled at the expiration of the recess, Hon. E. B. Vreeland in the chair.

STATEMENT OF LIEUT. COMMANDER C. B. McVAY, U. S. NAVY.

Lieut. Commander C. B. McVAY appeared before the subcommittee.

The CHAIRMAN. Mr. McVay, we are here as a subcommittee of the Committee on Naval Affairs of the House of Representatives to obtain such information as possible respecting the discipline and management of the academy, especially as it affects hazing. We are not administering the oath to the naval officers that are called before us, for the reason that the President and the Secretary of the Navy have issued an order through the superintendent of the academy that any officers desired shall appear here and give full information as to the questions asked in the performance of their duty. We assume that you are here in the performance of an official duty when you appear before the committee.

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. What is your name and rank?

Lieutenant-Commander McVAY. Charles B. McVay, lieutenant-commander, U. S. Navy.

The CHAIRMAN. When did you graduate from the academy?

Lieutenant-Commander McVAY. In 1890.

The CHAIRMAN. Did the practice of what we now call hazing prevail when you were a student here, during the four years?

Lieutenant-Commander McVAY. Well, I think it has always prevailed here, more or less. When I was a fourth class man a member of my class was hazed very severely.

The CHAIRMAN. That was the class of 1890?

Lieutenant-Commander McVAY. 1890. In 1886 one of them was hazed very severely. As those things go, you know, when it is stirred up it goes on for a while and then drops off for a little and then starts again.

The CHAIRMAN. Yes.

Lieutenant-Commander McVAY. There was not any brutal hazing, not that I remember now——

The CHAIRMAN. No one was severely injured?

Lieutenant-Commander McVAY. Except in this particular case. It has changed a good deal, I find, since I was here.

The CHAIRMAN. That is, the practices?

Lieutenant-Commander McVAY. The practices. At that time a man who was in the senior class was bigger than he would ever be again until he got to be a commander of a ship, and they ran the discipline and all that sort of thing. This instance of which I speak was in connection with a classmate of mine. A third class man told him to drink some ink. He refused to do it, and the third class man happened to be larger than the fourth class man, so he made him do it. The senior class at that time had a regular court. It learned of this thing and this court was held and presented all the facts in the case to the superintendent, and the man was dismissed. That was about the only instance. This thing has grown up now to a point where the senior classes have apparently winked at it.

The CHAIRMAN. That is the only severe form of hazing that you remember taking place while you were here?

Lieutenant-Commander McVAY. Yes.

The CHAIRMAN. Were these other practices, the sixteenth, and so forth, known when you were here as hazing practices?

Lieutenant-Commander McVAY. No, sir; that is taken from the drill.

The CHAIRMAN. Will you describe the practices and the names of them that prevailed when you were here?

Lieutenant-Commander McVAY. I do not remember. Most all of the hazing that I got was in a funny line. I think when I was a fourth class man they told me to stand on my head once. One man only made me stand on my head, and that was not done as they do it now. The practices then consisted chiefly in—well, I don't remember. I used to sing the wash list, and sing it to different tunes, and do things of that kind along the line of fun. Of course, there were other kinds. I simply happened to get that particular kind, I suppose.

The CHAIRMAN. Did they have the practice of fagging?

Lieutenant-Commander McVAY. No, sir; that has grown up within recent times.

The CHAIRMAN. The performance of menial service by under classmen did not prevail at that time?

Lieutenant-Commander McVAY. No, sir; in my time any fourth class man who was told to do that would have fought, and would have been backed in it.

The CHAIRMAN. Where have you seen service? About what service have you done since you graduated in 1890?

Lieutenant-Commander McVAY. At sea, sir?

The CHAIRMAN. Anywhere?

Lieutenant-Commander McVAY. I first went to Pensacola. I was down in South America, and then I went over to the Chilean revolution, by way of Cape Verde Islands; from there to San Francisco and to Honolulu. Then I was transferred to the *Charleston* and went to Santiago. Then I came back here for my final examination. From there I went to the *Chicago*. I went to Venezuela during the revolution, and came back to the naval review of 1893. Then I went to Europe. In Europe I was transferred to the *Bennington* and went under orders to Bering Sea. I think we went around through the Straits of Magellan, as far as San Francisco, and went down to San Salvador for another revolution, and brought the vice-president of that place to San Francisco. Then I went to Honolulu again. I came back from there and went on duty as assistant to the inspector of ordnance in Pittsburg. Then I relieved him, and I was inspector of ordnance, I think, for about two years. Then I went to the *Amphitrite*, which was a gunnery training ship. I was there three and a half years training gun captains, and part of that time was during the Spanish war. After leaving the *Amphitrite* I went back in charge of ordnance inspection in Pittsburg. From there I went to the *Hartford*, and I spent the last three years on the *Hartford* as watch officer and chief engineer and navigator, part of the time as acting executive. Then I came here, for the first time in fifteen years.

The CHAIRMAN. During that time that you were absent were you able to hear from the academy or keep in touch with it?

Lieutenant-Commander McVAY. For the last three summers, while I was chief engineer and navigator of the *Hartford*, we have taken out midshipmen from here.

The CHAIRMAN. So you got a full history of what had been going on?

Lieutenant-Commander McVAY. Yes, sir; as a matter of fact that is one of the reasons I came here.

The CHAIRMAN. Do you know of any first class that has hazed the lower class men except the present class, that has just graduated, back of the time when you were in the academy?

Lieutenant-Commander McVAY. I only knew from the members of this first class telling me.

The CHAIRMAN. That is what I mean, by such information as has come to you.

Lieutenant-Commander McVAY. They have told me that when they entered here the first class men hazed them, and some of the worst hazing they got was from them.

The CHAIRMAN. From the first class?

Lieutenant-Commander McVAY. From the first class. You see this is a new scheme that the Admiral started when I came here.

The CHAIRMAN. You mean Admiral Brownson?

Lieutenant-Commander McVAY. No; Admiral Sands—I mean this department of discipline. It is the first time in the history of the academy that officers have ever been closely associated with the midshipmen, so far as I know.

The CHAIRMAN. What change has taken place?

Lieutenant-Commander McVAY. Well, when I was here they used to have four officers in charge.

The CHAIRMAN. Yes.

Lieutenant-Commander McVAY. And the whole number of midshipmen in the academy was about the same as one of the large classes here now.

The CHAIRMAN. Yes.

Lieutenant-Commander McVAY. About 300 people. The officers in charge were on duty one day in four. That was all they did. The other three days they did not have much to do. That was a time when we had plenty of officers. But now the academy has grown so large that Admiral Sands has established this new department of discipline. Each of us four have charge of a quarter of the midshipmen.

The CHAIRMAN. You mean that you have charge of them all the time, Commander?

Lieutenant-Commander McVAY. Not all the time; not in the drills or studies. We have nothing to do with the drills and studies.

The CHAIRMAN. I mean you have charge of them as a disciplinary matter?

Lieutenant-Commander McVAY. We have charge of them as a disciplinary matter. We have charge of them all the time, and where the commandant used to assign demerits and grant requests, and all that sort of thing, we do it. We refer serious matters to him, of course, and get his advice, and talk it over with each other. So that instead of the discipline officers being regarded as natural enemies, we are the people to whom they come for information and advice, and we instruct them and all that sort of thing. That is the way I happened to hear of these things. These young men would talk more or less freely about them.

The CHAIRMAN. You now have four disciplinary officers, and each one has charge of a quarter of the cadets all the time?

Lieutenant-Commander McVAY. All the time.

The CHAIRMAN. There is one officer on duty to-day, down at Bancroft Hall?

Lieutenant-Commander McVAY. There is always one on duty.

The CHAIRMAN. When did he go on duty?

Lieutenant-Commander McVAY. He went on duty at 9.15 this morning.

The CHAIRMAN. And will remain on until 9.15 to-morrow morning?

Lieutenant-Commander McVAY. Until 9.15 to-morrow morning.

The CHAIRMAN. He is in charge of all the cadets there in the building?

Lieutenant-Commander McVAY. Of all of them; yes, sir.

The CHAIRMAN. Where are the other three disciplinary officers during that time? How are they in charge of a quarter of them?

Lieutenant-Commander McVAY. Well, we have regular office hours. We go down there in the morning and go to our offices. There are four offices.

The CHAIRMAN. You mean the three who are not in charge of the hall for the day?

Lieutenant-Commander McVAY. All four go to their offices before 9.30 in the morning, to attend to all the routine business, such as assigning demerits, and that sort of thing, granting requests; and when that is completed we take our conduct sheets to the commandant, and then inspect our rooms. There are 220 rooms, for instance, in my division. After that is through I inspect all the rooms in my division.

The CHAIRMAN. Your division, as you call it, has 220 rooms. Are they scattered around among the rest, or separate?

Lieutenant-Commander McVAY. No, sir; they are together, and my office is near them. My office is near my division, and the company commanders' rooms are in the vicinity of their companies. They also come to me in the morning for instructions that I may wish to give them. Our work is largely over about noon, as to that part of it.

The CHAIRMAN. You may continue, Lieutenant. You were explaining how each disciplinary officer has an office there in his own department of about 220 rooms.

Lieutenant-Commander McVAY. We attend to everything. That is, we look out for their conduct, and instruct them, and we send for them to find out the ones that are going behind in their studies. We find out why it is, and all that sort of thing, and advise them.

The CHAIRMAN. You do not sleep there nights?

Lieutenant-Commander McVAY. One officer sleeps there every night.

The CHAIRMAN. Then you are really in charge of them from what time in the morning until what time at night?

Lieutenant-Commander McVAY. Well, as I say, we are in charge of them all the time, because I have been called on every time anyone wants to know anything. I am practically at their disposal.

The CHAIRMAN. Where do they call on you?

Lieutenant-Commander McVAY. They have called on me for advice.

The CHAIRMAN. Where are you when he calls on you, if you are not on duty?

Lieutenant-Commander McVAY. Of course all of us live in the yard. My house is near the quarters. They would come and ask questions, or telephone up and ask things—not frequently, but occasionally. Some one will get in trouble, and I have to come and see about it, and all that sort of thing.

The CHAIRMAN. That, you say, is a new feature in the discipline here?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. Before Admiral Sands's time the discipline officer on duty, or available, to whom the cadets could go, was the one in the building?

Lieutenant-Commander McVAY. Yes; but they would not go to them as they do to us, because that was an incident.

The CHAIRMAN. Do I understand that the one on duty there now is vested with authority which he did not have before this year; that is, the granting of some of these requests? Is discretionary power put in his hands that was formerly in the hands of the superintendent of cadets?

Lieutenant-Commander McVAY. No; I do not think we have any more authority than they had, except that we are directly under the commandant and under his ideas. There are just the four of us, and up to this time the discipline duties were assigned as a sort of side issue, if I may use that term.

The CHAIRMAN. I thought I understood you to say that the disciplinary officers now had some authority in granting these different requests that formerly had to be submitted to the commandant.

Lieutenant-Commander McVAY. That is true, but not as I understood you to say. I mean this, that when the academy has grown to practically four times the size it was before, it would be impracticable for the commandant to handle all the requests and all the numerous things that come up. So that has been divided so that these four officers do what he used to do, in that way. But as for the officer who is absolutely on duty, he only grants more requests than he did previously because he understands from the commandant what is required, and then we meet and talk over these things, practically every morning.

The CHAIRMAN. I see.

Lieutenant-Commander McVAY. Up to the time I came here the officers who were on duty as officers in charge, as I understand, were people who were stationed in other departments. For instance, they were instructors in French, English, and the different departments around the yard, seamanship, ordnance, physics, and chemistry, and they would come on in charge of the midshipmen for one day. There were probably somewhere between 12 and 20 of these officers, who would not know the midshipmen, and it would be more or less an incident, instead of something in which they were particularly interested.

The CHAIRMAN. You think this present system puts the disciplinary officers in very close touch with the cadets?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. And enables you to know what they are thinking about, and what their wants are, and you are on hand to grant a reasonable one when you think it is consistent with discipline; and you are able to keep much closer track of them than under the old system?

Lieutenant-Commander McVAY. Oh, far better than ever before.

The CHAIRMAN. When did you come on duty here as a disciplinary officer?

Lieutenant-Commander McVAY. About the last of September.

The CHAIRMAN. Not until the last of September?

Lieutenant-Commander McVAY. No, sir; that was the time they started.

The CHAIRMAN. You succeeded Lieutenant Snyder, who was assigned temporarily?

Lieutenant-Commander McVAY. No, sir. He was one of the officers, I believe. I think I was the last one of the four whom the superintendent had designated for this duty to arrive. When I

arrived I had just come from sea, and had gone on leave. I came back, and when I arrived this was started, this new scheme.

The CHAIRMAN. When you came here in the last part of September, did you hear that any hazing was going on at that time?

Lieutenant-Commander McVAY. I heard nothing of it at all. As a matter of fact, I understood that there was no hazing, by reason of certain pledges that the midshipmen had given.

The CHAIRMAN. Did you understand when you came here, or soon after, that they had been released from those pledges?

Lieutenant-Commander McVAY. I never heard that until I became a member of the board of investigation. I was one of the members of the board of investigation, and that was the first I had heard of their being released from any pledges. I saw no indication of any hazing until I happened to discover Mr. Kimbrough in that condition—no, the day before that, I happened to be in the commandant's office, and he was investigating the subject then. The next day the board was formed. I saw no indication of it except once, when I went into the mess hall and noticed that a number of chairs around the table were sitting back. I asked the cadet commander who sits at the staff table, or rather I remarked to him, that that was a very peculiar thing, for a certain number of chairs to be sitting back, and I told him to have that stopped. That night it had stopped, except that I looked around again and saw a few more. I called _____ to get the cadet officers and say that that thing would not be tolerated, and I wanted it stopped immediately. Ever since then I have seen no chairs back. But I thought that that was one of these——

The CHAIRMAN. Rates?

Lieutenant-Commander McVAY. One of these silly things. No, I did not know anything about rates then. I thought there was no hazing, but that this was just something that they would start on this new class.

The CHAIRMAN. Did they not have rates in your day?

Lieutenant-Commander McVAY. No. I noticed there were certain things; you would hardly call them rates. They had two benches, these old benches down here. One belonged to the first class and had been passed down from time immemorial.

The CHAIRMAN. We know about that. Were there not rates in your time about walks?

Lieutenant-Commander McVAY. The fourth class men could not go in lover's lane, I believe, and the fourth classes did not go to the dances; but that is more or less official, because the authorities never wanted them to go.

The CHAIRMAN. Did the first class in your day assume the right to make them brace up, and assume a military carriage?

Lieutenant-Commander McVAY. Well, only as a senior class man would make another class man. I do not remember about that. But it was not as a rate, but because they had the right.

The CHAIRMAN. You did not call it that, but I suppose the first class in your day felt that some attention should be paid to their superior condition by under class men the same as they do now?

Lieutenant-Commander McVAY. Yes, I probably did it a good deal, because I was a second class man petty officer, and as a first class man I was captain of the company.

The CHAIRMAN. The mess hall is very large, I believe?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. And very noisy, I suppose, with the rattling of dishes, and a great many waiters moving about, which makes a good deal of noise; besides the conversation which would legitimately take place. The boys have a right to talk?

Lieutenant-Commander McVAY. They do.

The CHAIRMAN. And they are visiting at the tables?

Lieutenant-Commander McVAY. They are not to visit, now. The seats are assigned——

The CHAIRMAN. I do not mean to go away visiting, but with their immediate neighbors.

Lieutenant-Commander McVAY. Oh, yes.

The CHAIRMAN. There is no restriction upon their talking in an ordinary way?

Lieutenant-Commander McVAY. None at all.

The CHAIRMAN. So that all together makes a good deal of noise. We notice in the proceedings that a number of the boys were required to learn the headlines of the papers, and shout them out. We could not understand when we came here how that could escape the attention of an officer, but I think we can understand now how on account of the noise it would be a very easy thing to do.

Lieutenant-Commander McVAY. Very easy.

The CHAIRMAN. But in order to sit on the edge of a chair, the chair, of necessity, must be pushed back?

Lieutenant-Commander McVAY. It must be pushed back.

The CHAIRMAN. I should suppose the eye of the officer in charge, if it is his duty to keep watch of it during dinner time, could look the whole length of the hall, during any amount of confusion, and see that the chairs were out of line?

Lieutenant-Commander McVAY. Have you been in the mess hall?

The CHAIRMAN. Yes.

Lieutenant-Commander McVAY. The officer in charge is practically at right angles to the line of tables.

The CHAIRMAN. It is L-shaped.

Lieutenant-Commander McVAY. The tables run up and down in this way [indicating], and the officer in charge is right in the center. He can see probably for several tables down.

The CHAIRMAN. But he would not be able to get a line——

Lieutenant-Commander McVAY. He would not be able to get a line on the others; no. On several occasions—I think I have done it twice, perhaps—I have gone to other tables, one at each end of the mess hall, to eat, after these instructions that I gave. That was particularly to see whether the food they got was the same as it was at the staff table, and to see how the service was. That was to gratify my personal curiosity, or rather to see how things were going; and after I stopped that the second time I have never seen any chairs back.

The CHAIRMAN. How long was that after you came here? You came the latter part of September?

Lieutenant-Commander McVAY. That was within the first few days. I do not remember whether it was the first time after they returned. They returned the 15th. You know for a time the midshipmen were taken away from Bancroft Hall entirely, and there

was no one there but the officer in charge and the workmen. They were quartered on the different ships, and in the hospital. Then they came back and went in the hall, and I suppose this was either the first or the second time I was on duty when I noticed this thing.

The CHAIRMAN. Were all of the classes back at that time?

Lieutenant-Commander McVAY. On the 15th of October they were; yes, sir.

The CHAIRMAN. You say this was the latter part of September that you noticed this?

Lieutenant-Commander McVAY. No; I did not notice it then. When I came here there were none here but fourth class men and some upper class men, second and third and first class men, who had been held over for examinations.

The CHAIRMAN. Those that had not returned, then, did not receive the benefit of your order that they should sit up at the table in the regular manner?

Lieutenant-Commander McVAY. That order was not given until all of them were here, and we were in the regular mess hall.

The CHAIRMAN. You think that particular class of hazing was not practiced after you gave these orders?

Lieutenant-Commander McVAY. I never saw it again.

The CHAIRMAN. You looked for it, did you?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. How would you look for it?

Lieutenant-Commander McVAY. Facing here, I could see half a dozen tables on either side, and half a dozen on this other side. Then on the occasions when I was at either end of the mess hall, I could see, and naturally if they had done it down there they would quit when I went to that part of the mess hall.

The CHAIRMAN. Yes. Well, this system puts you in very close touch with the cadets. You get so you are very conversant with their manners and habits. How is it, with such an amount of hazing going on as was developed by your investigation and by the court-martial, being in such close contact with the cadets as you are under this system, that there was an entire failure to discover it until the catastrophe happened in the case of Kimbrough?

Lieutenant-Commander McVAY. That has always been the most difficult thing to detect here—the hazing—and the records of the board of investigation show that the principal hazing took place at times when the officer in charge was very bus .

The CHAIRMAN. For example, at dinner?

Lieutenant-Commander McVAY. No; not at dinner.

The CHAIRMAN. It seems to have been as much at dinner as any other time—sending them under the table.

Lieutenant-Commander McVAY. If you have read the records you will note that none of this breakfast carrying, and getting under the table, took place within the range of vision of the officer in charge. It was always away at one end of the mess hall or the other where he could not see. We found in the board of investigation of which I was a member that the other hazing took place, as a rule, from after drill up to the evening supper call. At that time the officer in charge was chiefly around the grounds, inspecting. The commandant told us that we had better look around the grounds. We have practically the same duties as the officer of the day in the Army, to a certain

extent, so we are responsible for the grounds as well as the buildings, but it is chiefly with the buildings, and midshipmen. So we used to go around and inspect those. Then we would come down and get ready for supper. Of course they knew, as a matter of routine in official life, when the officer in charge is going to be there, and when he is not. A great deal of this hazing took place there. The next part of it was between 7 o'clock and 7.30. They come from supper between 7 and 5 minutes past, and go to evening study call at 7.30. Between those two times the midshipmen who are on duty—and there are 22 of them—bring their reports to the office and are relieved, and 22 more go on duty. The officer in charge collected those reports, and also instructed these new midshipmen on how to do their duty, and what was expected of them. That took that much time. The other time was between 9.30 and 10 o'clock, between which times these conduct sheets came back, and the officer in charge had to take them up. If you will notice, it is all done in these three times. There was nothing done during the study hour. They were not molested during the study hours. It all took place at certain times. Where you run on military schedule the people under it would naturally know, and take these times. It was perfectly simple. When this difficulty came out they had these six midshipmen up in the commandant's office. I thought that if there was any hazing going on these times would be selected for it. Therefore I said I would go around and inspect during these unexpected times, and I did it that afternoon between drill and supper. I intended to do it between 7 o'clock and 7.30, but I could not on account of press of business. Really, as I have always said, a man down there is a cross between the commandant at West Point and a clerk at a big hotel; there is so much to do there. So I could not go that time, but I made up my mind to go between 9.30 and 10 o'clock, and make sure of it. I had been through these rooms once, but I could not go this other time that I had laid out, and I made up my mind to go between 9.30 and 10; but in the meantime, in making the inspection of the building, I accidentally got into this room and found this young man in that condition.

The CHAIRMAN. The breakdown of the discipline, then, occurred owing to the failure of the cadet officers to report violations?

Lieutenant-Commander McVAY. Absolutely.

The CHAIRMAN. Is not one lesson that is to be drawn from this, that the exact military schedule should be from time to time departed from, and inspections made at the unexpected moment, instead of in the regular order day after day?

Lieutenant-Commander McVAY. No; At the present time it makes absolutely no difference. If the cadet officers and petty officers do their duty it makes absolutely no difference whether the inspection is made at odd times, or at all.

The CHAIRMAN. The "if" is exactly the proposition.

Lieutenant-Commander McVAY. But they do it now.

The CHAIRMAN. They do it now; they would naturally do it now. Two or three hundred of them are in a condition where they are liable to expulsion. Your court-martial and the dismissals, etc., have naturally made discipline rather easy at the present time; but I am speaking of a year from now, when the new classes come in. In other words,

must you not from time to time find out for yourselves whether your cadet officers are doing their duty or not?

Lieutenant-Commander McVAY. We do.

The CHAIRMAN. In order to do that must you not visit them when they do not expect it?

Lieutenant-Commander McVAY. We not only must, but we do. Except that this court-martial and this accidental thing that has come out have hurried matters I do not think it would have made the slightest difference in the world as to the discipline of the place—say, for instance, at the present time or within a month we would have gotten results, just the same. It was only a question of learning what needed correction and then correcting it. But there were so many things which came up and which we corrected from time to time in educating these young gentlemen here to do their duty——

The CHAIRMAN. How did you know that Kimbrough was injured?

Lieutenant-Commander McVAY. Why, I inspected him.

The CHAIRMAN. Was that in the course of the ordinary routine or was word brought to you?

Lieutenant-Commander McVAY. Oh, no; I discovered it myself. As a matter of fact the room had been inspected by the midshipmen on duty, and they had absolutely no idea of their duty. I discovered that on the practice cruise.

The CHAIRMAN. If you had known when you came here the latter part of September that the classes had been released from their word of honor, which they had given to Admiral Brownson about hazing, would not the knowledge of that fact have put you on your guard?

Lieutenant-Commander McVAY. No; I was prepared—well, it might have; yes. If I had known that there was a chance of hazing taking place it might have put me on my guard: but even so I do not think I should have discovered it any sooner. I was prepared to accept the fact that there was no hazing here, as I stated. Of course, if anybody had told me that the pledges had been renounced I would have started out and told them something about hazing.

The CHAIRMAN. Well, hazing, in the opinion of the officers, is considered a flagrant violation of the regulations?

Lieutenant-Commander McVAY. Very; yes, sir.

The CHAIRMAN. That is, it is a direct violation of the laws of the land, and therefore must be more important than matters which are mere violations of discipline of the the academy—perhaps not in their effect.

Lieutenant-Commander McVAY. To us—or to me, I will not say to us, although I think it is to us—the most serious thing was the matter of neglect of duty. If a man did his duty here he would do it afloat, and if he did not do it afloat on the practice cruise then he was not doing it here. So the principal thing to my mind was the question of the performance of duty, and if he did his duty—that is, as a cadet officer or a cadet petty officer—there could be no such thing as hazing.

The CHAIRMAN. Oh, that is self-evident. We understand that. The act of Congress approved March 3, 1903, provides that the Superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating

in or encouraging or countenancing such practice shall be summarily expelled from the academy."

That is an offense which is especially set down by act of Congress, especially distinguished from other forms of offenses here at the academy.

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. The Superintendent is required to take especial notice and make special rules for the suppression of that form of violation, and to promulgate them. I assume that officers in the performance of their duty, in carrying out the laws of the land coming to this academy, would take especial note of an offense which has called forth an act of Congress and a special provision for its suppression. Your general knowledge when you came here was that there was no hazing.

Lieutenant-Commander McVAY. My general knowledge, yes, sir.

The CHAIRMAN. And there was nothing up to the time of this instance which you have mentioned to give you any suspicion that hazing existed?

Lieutenant-Commander McVAY. Nothing whatever.

The CHAIRMAN. If you had known when you arrived here that the absence of hazing during the preceding two years arose, in part at least, from the fact that the classes had been required to give their personal word of honor, and if you had known they had been released from that word of honor, would it not have been likely to have called your attention more particularly to hazing and to the possibility that it might have started in again?

Lieutenant-Commander McVAY. I think it would; most undoubtedly it would have, but, as I say, we have so many things to look after and to correct that even that would have become only one of a number of things to correct. There were a great many things here which were bad and the result of what you might call disintegration, generally.

The CHAIRMAN. The general breaking down of discipline among the cadet officers?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. To what do you attribute that?

Lieutenant-Commander McVAY. Part of the midshipmen were quartered in this new building, Bancroft Hall, and the other parts were around in these various detached buildings around the yard. They were not all combined in one place. The officer on duty was up here, and I imagine that he had all he could do to look out for the one building, with occasional visits to these other buildings outside—making those at various times, any time he saw fit. I think as a result of that these people were not particularly watched and these things grew up from that. That is merely an idea that I have, you know.

The CHAIRMAN. You think it is important, then, to have disciplinary officers in sufficient number and of sufficient ability along that line, to know all the while that the cadet officers are doing their duty; that they must be watched to that extent from time to time?

Lieutenant-Commander McVAY. I do, indeed; yes, sir.

The CHAIRMAN. You think the fact that they were building here, and therefore broken up more or less—with the midshipmen quar-

tered in different places—interfered very much with keeping track of them and getting information as to what they were doing?

Lieutenant-Commander McVAY. Very much; yes, sir.

The CHAIRMAN. Then, one reason for the breakdown of discipline was owing to that fact?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. What other things do you consider, in your mind, have helped to bring about this state of affairs which you found?

Lieutenant-Commander McVAY. This matter of not having a permanent corps of discipline officers—these folks being selected from among so many, which made it impossible for them to know the midshipmen.

The CHAIRMAN. You think disciplinary officers should be left here when they are found to be well fitted for their duties; that for the benefit of the academy they should be left here for a considerable time?

Lieutenant-Commander McVAY. I would not like to pass on that.

The CHAIRMAN. There can be no doubt about that in anyone's mind.

Lieutenant-Commander McVAY. I would not like to say that.

The CHAIRMAN. That is a matter that is self-evident; that in this kind of service a man who has the ability and acquires a knowledge and acquaintance of the midshipmen, which it takes time to get, should be left here a considerable time, so that the school would get the benefit of his experience.

Lieutenant-Commander McVAY. We would be constantly making some discoveries; we would go out in the morning and one of the cadet officers would not be there—one of the discipline officers. The ranks are full, the files are full, as far as we can see—880 of them. A man would look around, and the next thing we come across is that two or three are absent. Then we find a general substitution. If a cadet officer stays away, another one comes up. There are 125 of those midshipmen, and you must know them. You must be able to count up. It is a very easy thing to go at in the morning for inspection and see the line of file closers full and the companies full, but if you do not know whether it is one man or another man——

Mr. PADGETT. They would substitute a man on you?

Lieutenant-Commander McVAY. They would do it; yes, sir.

Mr. PADGETT. Do they do it?

Lieutenant-Commander McVAY. I have no doubt but what they do, because the line of file closers would be full.

The CHAIRMAN. Have you ever found any specific instance of it?

Lieutenant-Commander McVAY. No; that is merely a supposition. You understand, when this investigation started we had only been here a month and a half, or something like that, and we had been gathering these things up in our minds ready to act.

The CHAIRMAN. What proportion of these first class men are class officers of one kind or another?

Lieutenant-Commander McVAY. Practically all of this class which has just graduated, 120, were officers—practically all this present senior class. There are so many to the brigade, and if there are not enough upper class men to fill those vacancies they take some for the junior positions from the class below. That happened last year.

because we did not have enough to fill out. This year all the cadet officers are petty officers from the senior class.

Mr. PADGETT. What is the aggregate number of cadet and petty officers?

Lieutenant-Commander McVAY. I would have to figure that out. To a company there would be 141, I should say, approximately.

Mr. DAWSON. Seventy to a battalion?

Lieutenant-Commander McVAY. Yes; I should say 141. That leaves extra for the adjutant and battalion brigade chief petty officer, which would be 142.

Mr. DAWSON. Eleven to each company, and three to each battalion in addition to those eleven—three to the brigade in addition to the battalion officers?

Lieutenant-Commander McVAY. Three to the brigade; the cadet commander, cadet adjutant, and brigade chief petty officer. It is all on the form there. We have it on there. You notice the petty officers there run down.

The CHAIRMAN. If we could be sure that these practices they call hazing could be kept within small limits, where there was no danger of injury to the midshipmen, it would be of some assistance, would it not, in rounding these boys into shape?

Lieutenant-Commander McVAY. No, sir.

The CHAIRMAN. You do not think so?

Lieutenant-Commander McVAY. No, sir; because there is no finish. If you make a start, there is no finish. If you allow this thing in the slightest degree you have no way of knowing whether everybody is going to carry it to the same degree. I do not believe in it in any way, shape, or form.

The CHAIRMAN. I made the assumption, if we could be sure that it could be kept within reasonable bounds, so that its application would be principally to correct the conduct and table manners, and those things, of the boys; might it then be of some use?

Lieutenant-Commander McVAY. No, sir; I do not think it has any use whatever.

The CHAIRMAN. You repudiate the whole system, do you?

Lieutenant-Commander McVAY. Yes, sir; I do. There is absolutely no use for it. The boy who has no table manners is apt to be a sensitive boy, and this rough, uncouth method of correction is worse than the fault, and he will learn in time.

The CHAIRMAN. You do not think the amount of hazing that prevailed while you were here did any harm, do you, except in the one case; do you?

Lieutenant-Commander McVAY. No, sir.

The CHAIRMAN. The drinking of ink, I refer to.

Lieutenant-Commander McVAY. No, sir.

The CHAIRMAN. If it had always been kept within bounds as it was during your time would you still think it was a bad practice?

Lieutenant-Commander McVAY. Yes, sir; I would.

The CHAIRMAN. Have you always been of that opinion?

Lieutenant-Commander McVAY. Yes, sir; I think it is bad—that is, I will not say always. I may not have been of that opinion when I was a third class man; but ever since I have left here I have thought it was bad.

The CHAIRMAN. I mean since you graduated.

Lieutenant-Commander McVAY. It is a matter that can not be controlled among 880 boys, even if they were all ministers' sons, or something better. You would still have it. I think the young men here are just as good as they ever were. I think the last class that has graduated is better than any class that has graduated from here for sometime.

The CHAIRMAN. The one that has just gone?

Lieutenant-Commander McVAY. The one that has just gone. I think it was a very bright lot of young men. But they were brought up wrong. They had things foisted on them. Of their own free will they abolished certain things that were outrageous and that they saw were bad. When we started this scheme of discipline, requiring them to do their duty, everybody was objecting to it. The midshipmen were saying how unhappy they were—the idea of their not being able to do the things they had been brought up to do. But now everyone is glad it was done, and everybody is happy, because things are running smoothly, and they are all doing their duty in the way it was intended they should do it.

The CHAIRMAN. Are there not a hundred midshipmen here who are still in rather a discontented frame of mind?

Lieutenant-Commander McVAY. You mean those who are——

The CHAIRMAN. Who are waiting to know whether the ax will fall?

Lieutenant-Commander McVAY. I think they have started to work now. I think they hope to escape from any punishment they might have had.

The CHAIRMAN. I understand the third class is to meet to-night.

Lieutenant-Commander McVAY. I do not believe very much in those class meetings. When it comes to matters of discipline, I do not believe in their having anything to say about it.

The CHAIRMAN. The committee is of the opinion that it is of the utmost importance to have the cadets take this action in their classes formally.

Lieutenant-Commander McVAY. Of course I am before the committee. Things have been turned over to them, undoubtedly, to run. They have said there will be no hazing, there will be no gouging, and certain other things that they have added of their own will. There will not be this, that, or the other thing. As a consequence, they have gotten an idea that they are going to run the place and that the academy is for the midshipmen. The academy, as I figure it, exists only for the Navy, and I do not believe in their having anything to say about it. I do not believe if the cadet officers do their duty, as they did just before this graduation and as they are doing it now, that it makes the slightest bit of difference what any class says.

The CHAIRMAN. I might say to you that the committee are strongly in favor of this action by the classes, not because they think the discipline will break down in the future here, but because now several hundred of these students, under the letter of the law as it stands at present, are not only liable, but ought, to be under the law brought before a court-martial and dismissed. We think the law is unnecessarily severe in that respect, and that a lighter punishment would be much more suitable in a majority of the cases. We think it will have a great effect upon the opinion of the country and of Congress if they know that these boys not

only must submit to discipline because they will be made to, but they have seen the disaster that invariably comes from the system, and are now in a frame of mind where they are voluntarily willing to turn in and put their faces against it.

Lieutenant-Commander McVAY. Oh, I think it is very nice for them to do it; but I do not think it makes any difference.

The CHAIRMAN. Not as a pledge, or anything of that kind, but simply to show Congress that they realize they have been wrong and are willing to say so.

Lieutenant-Commander McVAY. I think in that way it is a manly spirit, and I have no doubt the thing is very proper; but I do not admit that a class president, who holds no cadet rank, has very much to say regarding the discipline. When any instructions for the classes are given, they are not given through a class president whom they select. They can not select anybody to command their ships or be senior to them in after life. We send for the senior cadet officer, and give him instructions. There may be a class president in my division. If there is, I do not know who he is.

The CHAIRMAN. So far as the relations of this committee with the class is concerned, that was entirely unofficial. We wanted a representative man from each class to come before us. If we sent for the president of the class, one whom they had elected, they could not deny that he was a representative man.

Lieutenant-Commander McVAY. For personal things I think it is a very good thing. They get together, and they have little things that they want to do, and I believe in it; but when it comes to military things I do not believe in the class president's idea, because this thing has resulted from that—this condition of affairs.

Mr. DAWSON. Yet you do not object to having the moral opposition of the boys to hazing?

Lieutenant-Commander McVAY. Not at all. I think the more they oppose it, the better it will be; but it is not necessary. It makes absolutely no difference, so far as we are concerned at the academy, whether they are opposed to hazing or not. The cadet officers and petty officers are not only willing but anxious to do their duty.

Mr. DAWSON. What brought these cadet and petty officers into that frame of mind?

Lieutenant-Commander McVAY. The idea that we have been working out ever since our arrival, from the superintendent down. We came here and found this network of rules and things—that they agreed to do this, and not to do that, and all that sort of thing, as a class. The superintendent directed the commandant, as I understand it, and he told all of us, and we told them, that we did not want pledges, that the Naval Academy regulations were good enough to work under.

The CHAIRMAN. Without discrediting, and giving entire approval to the work that you have done, which I think has been very valuable, do you not think also the result of the system, as it has unfolded before them, is that they have seen the end of it; that they have seen the injuries that come from it; that they have seen the academy and the students discredited in the eyes of the country, and of Congress: that they have reached the end of the story; that, in addi-

tion to your efforts, that has helped to show them that the road they have been pursuing is wrong and leads to disaster?

Lieutenant-Commander McVAY. The working of the midshipman mind was very queer when I was here, and still is. They interpret things in various ways. I think they have seen, as you say, that they have reached the end of it, and that it must cease. As a matter of fact, it has ceased. As I say, I think it would have ceased anyway. It was merely a question of time. It would not have been done so quickly if this thing had not come up; but we would have gotten at these things sooner or later, and they would have been corrected, without doubt. We would have gotten this healthy idea. There is no trouble about it now at all. As soon as we found out what was required, and after they did it a while, they found it was not really such an awful thing to do. It is the first time in the history of the academy that duty has ever been done as it is being done now.

Mr. GREGG. Along that line, the officers for this ensuing year—the cadet officers—will all be out of the first class?

Lieutenant-Commander McVAY. Yes, sir.

Mr. GREGG. If the first class officers, the petty officers who are members of the first class, feel that their conduct will be upheld and approved by their classmates, do you not think it will be a stimulus to them to perform their duty?

Lieutenant-Commander McVAY. Well, within two months now it has made absolutely no difference whether it was a classmate, or a roommate, or who it was. Anybody that has done anything has been reported for it.

Mr. GREGG. In that connection, now, if they know their class approves of their conduct, will it not at least make it more pleasant for them to discharge their duty?

Lieutenant-Commander McVAY. Oh, if you want to make it more pleasant; yes, sir.

Mr. GREGG. Is it not a fact that as the result of its being made more pleasant they will be more diligent in the discharge of their duty?

Lieutenant-Commander McVAY. I do not think the cadet officers and petty officers to-day—and I will say back a month or two—could be expected to be more diligent than they have been. It is not possible. And no matter what they do now it can not be made any better. Of course, it is much more pleasant for them.

The CHAIRMAN. You never have had any experience in the handling of boys until you came here, except such as you had on shipboard?

Lieutenant-Commander McVAY. I had done practically nothing but handle young men and boys on shipboard, as you say. I was on a gunnery training ship for three years and a half, and then I was on a training ship where I had for three years 125 in my division that I had to train.

Mr. DAWSON. Pretty lively boys, on a training ship?

Lieutenant-Commander McVAY. Yes; they are.

The CHAIRMAN. You feel pretty confident, then, that you can take given conditions and look into the future, and see that they will be maintained?

Lieutenant-Commander McVAY. I think so; yes, sir. I would

not come out and say that hazing will never be here again, because everything has its up and down. There have been periods here when there would be hazing, and then there would not be hazing. Then there would be hazing, and somebody would be discovered and dismissed, and then there would not be hazing.

The CHAIRMAN. We are glad to notice the confidence that prevails in the disciplinary force that they are entirely able to control hazing and other violations. I say we are glad to see it; and yet there seems to be a disposition to scout any notion that any willingness on the part of the boys is necessary; that it can be carried through whether eight or nine hundred boys are in favor of it or not. You may be right about that. I had quite a number of years' experience in handling boys years ago, and my observation at the end of it was that boys are rather uncertain.

Lieutenant-Commander McVAY. I think they are, sir.

The CHAIRMAN. I see by the very last report of Admiral Brownson, that in closing his service in this academy, at the end of a great many years of handling men and boys on board ship, the admiral said in that report that he was glad to say to the Secretary of the Navy that not a single case of hazing had occurred during the year, and that he was fully satisfied that this unmanly practice had been stamped out forever in this academy. Since that time nearly the whole student body in this school has been included in an outburst of hazing. I merely call that to your attention, with all deference, as a warning that 800 boys here may possibly, in spite of the supervision of those disciplinary officers, continue some of these violations, and that it may not be a bad thing if these cadets can be brought voluntarily, publicly, and officially to declare their intention to cooperate with the officers in carrying it out.

Lieutenant-Commander McVAY. I think I said that anyone who said there would never be any hazing here would be mistaken. It has broken out from time to time. I do not think this hazing has broken out since that report.

The CHAIRMAN. Since his report?

Lieutenant-Commander McVAY. There was hazing at the time, but it is not a new thing.

The CHAIRMAN. Since Admiral Brownson's report?

Lieutenant-Commander McVAY. I do not think it has broken out since then.

The CHAIRMAN. What is this that you have been having here during the last few months?

Lieutenant-Commander McVAY. It has continued. It has not broken out.

The CHAIRMAN. You do not think hazing has been originally discovered here during the last few months?

Lieutenant-Commander McVAY. No; it has not.

The CHAIRMAN. You think his correct was incorrect in saying——

Lieutenant-Commander McVAY. I think it has not been detected. It is very hard to detect; but this system of fagging, which any one of the midshipmen will say is worse than physical hazing——

The CHAIRMAN. It is a mean kind of hazing.

Lieutenant-Commander McVAY. A mean kind of nasty hazing. That was here; but whether anybody knew of it or not I do not know. Certainly I did not know it when I came in here.

Mr. GREGG. You used the word fagging in the sense of compelling menial service?

Lieutenant-Commander McVAY. Compelling menial service; yes, sir.

Mr. GREGG. Performing menial service for them?

Lieutenant-Commander McVAY. Making them bring breakfast up, and that sort of thing.

Mr. GREGG. Opening windows and winding clocks?

Lieutenant-Commander McVAY. Opening windows, winding clocks, and all that sort of thing. A boy will say "Other people have been stood on their heads, and I will stand on my head. That is nothing." That is foolish, he may do that, or he may go through the 16th, and he may think—a few of them do think—that it is doing him good. It may do them good. I do not know. But we can do just as much good by drilling them under proper supervision. But when it comes to making them run errands, and that sort of thing, I think it is bad. That is a thing that is new as far as I am concerned.

Mr. GREGG. My own judgment has been all along that that is the most reprehensible feature of the whole thing.

Lieutenant-Commander McVAY. I do not understand it. I do not understand this making men get under the table to eat part of their meals there. I do not understand it. The only way they could possibly do such a thing would be on the theory that somebody else has done it, and away down at the bottom of it the whole sum and substance of it is that this is a democratic institution, and one boy who comes in is just as good as another boy. One may be from New York, and know a whole lot, not only of books, but of dances and society and that sort of thing. Another man may be from Iowa, and may have followed the plow, and he may not know so much about that. But when he comes here one is as good as the other.

Mr. GREGG. In theory?

Lieutenant-Commander McVAY. In theory. They are dressed alike, and look alike, and they are supposed to act alike. Some of them may be a little uppish, and the rest will take them down. That, to my mind, is the only theory of hazing—to make them all equal. Unfortunately, they pick out the wrong ones. If, instead of picking out the sensitive boy, they picked out a bully, and injured his appearance rather than his feelings, that would be theoretically the thing; but they do not do it. It is all bad. It will result sooner or later, if every little thing is winked at, in this breaking out. If we say we do not object to their making one man do the 16th, by the time it gets through 880 of them they will say that we approve of hazing. It filters through, and each one interprets it. So there should not be any approval of hazing, in any way, shape, or form, for that reason. One of us goes to look at them, but 880 of them are watching us. That is merely my idea, gentlemen.

The CHAIRMAN. Your opinions, I think, are entirely sound, and I am glad to find you hold them. There is one warning: Do not value too little the cooperation of the boys, if you can get it.

Lieutenant-Commander McVAY. If you think there is anything like that, I want to apologize to you right here, because there is no such intention in my mind as that. I was merely telling you my standpoint as a disciplinary officer—merely giving my ideas—and I do not want to combat yours in any way, shape, or form, because if

anyone does work and does it willingly he does it twice as well as somebody who is forced. Please do not misunderstand me. I am merely telling you what my opinions are, and I am not endeavoring to overweigh yours. Do not think that. Do not think that I am combating your ideas at all, because I think it is a very good thing, a very excellent scheme, if they would all stop it. If, as you say, the class volunteers to stop it willingly, then you know and I know that it is stopped. Whereas, in this other way, by our having these cadet officers and petty officers do their duty, we still know it is stopped, almost, but if it happens the person who does it will be detected, reported and dismissed. That is the difference. In the one case if it does happen the man will be dismissed. In the other way, if they say they will not do it—and one thing that is unknown here is an untruth, and it has always been so—it will not be done. That is the difference between the two. The only thing, as I say, is that we would have stopped it anyway. I am not bragging, but it is merely my opinion.

Mr. DAWSON. But without the moral opposition to hazing it would have required constant and eternal vigilance.

Lieutenant-Commander McVAY. Constant and eternal vigilance, of course. Even so, if one class stopped it that is true. If another class stopped it, that settles it for that year. If another class does not there you have stopped—if one class does it, and the next does not. You say "There is a crowd of hazers" and you give them fits; whereas they may be honest about it.

Mr. DAWSON. They might think, as a matter of justice, they ought to receive it?

Lieutenant-Commander McVAY. One man will say "I do not think I want to do it, but I am not going to promise it, because at some time I might want to do it;" and he will not do it. There is enough of the disturbing element in a large crowd of young men like this to favor a thing of that kind.

The CHAIRMAN. Are not these formal declarations by the classes, which are matters of record and notoriety, of assistance in helping to change the traditions of the academy? These boys fall into it because they say it has always been here more or less.

Lieutenant-Commander McVAY. Yes.

The CHAIRMAN. If you get along through four classes without hazing, certainly no new class that comes in has a right to start it. They could not depend on the traditions of the place?

Lieutenant-Commander McVAY. No.

The CHAIRMAN. You know at the end of the West Point investigation five years ago, when hazing was indulged in in a much more severe form than it has been here, because it ran longer, all of the classes voluntarily took that action, not as an agreement but simply because they had seen the result of the system and they said they were satisfied it was a bad system. That was five years ago. No hazing has been known at West Point since that time. The officers have been helped thereby, at least, in keeping it out. Now five years have elapsed, and an ordinary amount of vigilance on the part of the officials there ought to prevent it starting in again.

Lieutenant-Commander McVAY. I do not believe it has.

The CHAIRMAN. I do not think it prevails there as a general thing. You can not stamp out sporadic cases of it.

Lieutenant-Commander McVAY. As I remember that, the violent form of hazing was introduced by somebody from the Bowery that thought up these various stunts that they did and carried it along.

The CHAIRMAN. It was a growth. They got it from one source or another.

Lieutenant-Commander McVAY. This hazing here—I believe there were four cases of brutal hazing which we discovered—was, all the rest of it, simply a violation of regulations and the breaking of law.

The CHAIRMAN. The rest of it did not amount to physical injury to the student?

Lieutenant-Commander McVAY. No.

The CHAIRMAN. But it was a most humiliating and degrading practice?

Lieutenant-Commander McVAY. Very.

The CHAIRMAN. The sending of a man under the table to eat his dinner, a man who, in a few years, will be an officer in the Navy, was certainly an outrageous proceeding.

Lieutenant-Commander McVAY. Yes.

The CHAIRMAN. The compelling of a boy who comes here to go to the room of an upper class man, gather up his linen, and send it away, and when it comes back put it in the lockers, is something that no American boy ought to be made to submit to, although it may not hurt him physically.

Lieutenant-Commander McVAY. To my mind that is the worst possible form of hazing.

Mr. GREGG. I would like to ask a question right there. A great many of these boys who come here are high-strung young men. How do you account for them submitting to all these things?

Lieutenant-Commander McVAY. I think that is an American trait, to conform to a custom. They come out here in town, half of them—well, not half of them, but a large majority of them do—and prepare to come in here. Among those who are preparing they have friends here and they tell them what they have had to do. Some of them are turned back in the classes and they tell them what they have had to do. Consequently when somebody comes and tells them to do this thing, why, everybody has had to do this; why should I object? It is no harder for me than for the fellow who has gone before. That is the spirit.

Mr. PADGETT. I will get even with the fellow next year.

Lieutenant-Commander McVAY. That is it. That is the way it comes about. Where there is absolutely no hazing those people will come along and do some things with absolutely no rhyme or reason. They have been told not to do it, and there is no reason for it. They do it because they will have the other people do it.

Mr. GREGG. Is there not a feeling that if they do not submit they will be reported for probably a lot of other little matters that they would not be reported for otherwise, and that their career here will be made much harder?

Lieutenant-Commander McVAY. There is such a feeling; but in this work before the board where we have so many midshipmen up as witnesses we told them in all cases where they thought their report came from the reason you have given to go right to the divisional officer and say so. We have these young men under our charge and

only those who are under our charge come on the conduct reports on which we assign demerits. I have probably forty or fifty fourth class men in the fourth division. Out of that number if one continues to come on the conduct sheet every morning, naturally I am going to see it.

The CHAIRMAN. But if the young man has actually done the thing for which he is reported you could not consider the motive which prompted the making of the report?

Lieutenant-Commander McVAY. Oh, no; particularly now, when everybody is reported for everything he does; that is, unless he comes and tells me.

The CHAIRMAN. Suppose a young man would come to you and simply say, "This man reports me every time I do not exactly cross a t or dot an i, because of some feeling he has got." However, that does not alter the situation if he has failed to cross the t or dot the i. He would still have the demerits?

Lieutenant-Commander McVAY. No; he would not. If he came to me with that statement I would promptly investigate that right there and then and find out if such was the case. If such was the case, then I would promptly report that young man to the commandant.

The CHAIRMAN. But the fourth class man would still get the demerits just the same?

Lieutenant-Commander McVAY. No; I would scratch that off.

The CHAIRMAN. Even if he had committed the offense?

Lieutenant-Commander McVAY. I would not care if he had done it. If he had been picked upon, and put on a report—no, he would not; no, sir; and the other man would probably have to go. That is just the thing that we have to be particular about; that is, when they stop hazing we have to be careful that they do not take up the report. But the conduct report has shown no indication of that. There probably are cases. Cases may crop up, but I think that can be stopped without any trouble at all.

Mr. DAWSON. Along this line of coercion, you probably remember that several of the fourth class men before the board of investigation testified, or gave it as their opinion, that if they refused to accept this hazing they would have to fight. What do you know about that?

Lieutenant-Commander McVAY. Well, we went into that. We asked about that and it developed the fact that one of their rates here was that fourth class man had no right to fight. They might have said that he had to fight, but the fourth class man, as a fourth class man, had no right to fight for that. He had to take it; that is all. But we did have a case of a young man from the West, who is in my division, by the way. After asking him the usual questions, I said this young man is from the West, and perhaps he does not approve of all these lovely Eastern customs; but somebody may have wanted to make him fight. Somebody asked him, "Have you ever had a fight or been challenged to fight, or come near having a fight?" He said he had. We found out that one of the things they did not allow them to do was to go up the center of the walk, on the stairways. They made him walk on the side, and he was in a hurry, and in order to get to his room he went around a very slow-moving body of fourth class men. When he got to the front there was an upper class man at the head of these fourth class men, and he asked him what he meant by doing that. He said to the upper class man: "I did not know you were here, but

if I had known you were here it would not have made any difference to me. I would have gone just the same." So he was challenged to fight. Nothing ever came of it. That came out and I promptly sent for the cadet lieutenant-commander of the second battalion and I gave him a memorandum to go to the three cadet lieutenants in my division and tell them that this thing must stop at once, which they did. He has not been on the report. That particular instance you asked about—that young man, I think, has only been on the report once or twice in a month or two, and the young man who threatened him has resigned.

Mr. DAWSON. Is that the only information of fighting or class fighting that the board of investigation developed?

Lieutenant-Commander McVAY. No. We called up the man who stood No. 1 in the class, the cadet lieutenant-commander, Mr. Chantry. He gives a complete résumé of their practices, rates, and all that sort of thing.

Mr. DAWSON. Did you find there had been any class fist fighting during the present academic year?

Lieutenant-Commander McVAY. No, sir; we did not find that at all. I think we heard of one case where a fourth class man fought with another fourth class man, but we did not go into that. It was foreign to the investigation.

Mr. DAWSON. That was a personal encounter, was it?

Lieutenant-Commander McVAY. Yes, sir; that was a personal encounter—but the other we did not go into. We discovered enough of it with relation to hazing. As a matter of fact, I do not believe they rate fighting. In other words, the fourth class man had no rights, so he could not be made to fight.

Mr. PADGETT. But if he did not fight was he not ostracized? If he was challenged to fight and declined to fight was he not ostracized and put in social coventry?

Lieutenant-Commander McVAY. I do not think that is the system they had. I am not very familiar with the so-called code they have here, but as I understand it there was no such thing as challenging a fourth class man to fight, except as more or less of a joke; that is, they did not really mean it. They would not have allowed him to fight if he accepted it. He did not have the right to fight.

Mr. GREGG. He was not of enough importance to engage in a fight?

Lieutenant-Commander McVAY. No; they may have said, "You have got to fight. If you do not do this you will have to fight."

Mr. DAWSON. It was a bluff?

Lieutenant-Commander McVAY. Yes; it was a bluff. He did not have a right to fight.

Mr. PADGETT. The way I understood it was that the fourth class man had the right to fight, but did not have the right to challenge an upper class man; that the upper class man would select the one to fight the fourth class man, and that the fourth class man had to fight the one the upper class man selected.

Lieutenant-Commander McVAY. They can do a great many things that we could not know of. They could go on liberty and go over and fight on the Government farm if they wanted to.

The CHAIRMAN. And even haze?

Lieutenant-Commander McVAY. They could go there and haze.

In my time fourth class men were not allowed to go on Government farms for fear of being hazed.

The CHAIRMAN. You say they could pull off a fight without your knowledge. Could they not pull off a few cases of hazing without your knowledge?

Lieutenant-Commander McVAY. Oh, yes; but the only thing is that if they did it there now the cadet officers and petty officers would be apt to be around there, and they would be reported for it.

The CHAIRMAN. Do you think fighting would be covered by your new regulations as well as other violations?

Lieutenant-Commander McVAY. Yes, sir. Anything is possible, of course. I do not say that we are going to have absolutely perfect discipline, you know. Cases are bound to break out—hazing, fighting, or anything. For instance, I would certainly see any young man in my division at least once in three days—probably twice in three days. If I saw anything the matter with him I would inquire into it. I would go in and see them and say good morning to them and look around the rooms and that sort of thing. I would certainly notice it if anything was the matter with him. If he went to the hospital and I noticed that he was not there I would send for his roommate and find out what was the matter with him. Of course, with 880 boys, as I say, it is human nature.

The CHAIRMAN. Is there any insult that could be offered to you by some other officer attached to this institution that you would resent to the extent of personal chastisement?

Lieutenant-Commander McVAY. A great many. I do not think they would be apt to do it, though.

The CHAIRMAN. Well, a man besides being a naval officer——

Lieutenant-Commander McVAY. Is also a man. He is bound to be a man.

The CHAIRMAN. Then you would think you were justified, under provocation which you deemed sufficient, to at once resent physically a certain insult that might be offered to you?

Lieutenant-Commander McVAY. As a man, yes.

The CHAIRMAN. Even if at the time you had on the uniform of an officer?

Lieutenant-Commander McVAY. Well, under certain circumstances I might change my uniform to do it.

The CHAIRMAN. Do you think you would wait to change it?

Lieutenant-Commander McVAY. I might and I might not; it depends on what it was. I have known of cases, or have heard of them, where people have changed their uniforms. But we have the same feelings as other men. We are not entirely machines.

The CHAIRMAN. Under that form of provocation would your conduct receive the commendation of your brother officers?

Lieutenant-Commander McVAY. Personally.

The CHAIRMAN. Would they do the same thing under the same provocation?

Lieutenant-Commander McVAY. I certainly think they would; I am sure they would.

The CHAIRMAN. These boys can not be expected to have the self-restraint that men have. They have not had the years of discipline; they have not got the age. You would expect them to be more hasty and hot-blooded. Among 800 boys, then, it is not strange if it is quite

a common occurrence that these personal encounters owing to personal differences and insults take place?

Lieutenant-Commander McVAY. Except that they are withheld by fear of punishment.

The CHAIRMAN. What about your naval officer?

Lieutenant-Commander McVAY. He would be naturally an older man and he would, as I say, be a machine; but he would have a man's feelings.

The CHAIRMAN. You would not expect the boys to be restrained to the extent that officers of the Navy of more age and experience would be?

Lieutenant-Commander McVAY. Not at all; but he would be frightened as to the result. That is one of the things that I never understood in the fighting here. We had an unfortunate affair lately in which a young man called another one a name. Instead of getting up and knocking him down, a day or two elapsed until a regular challenge could go out and the answer be received. That is a thing that I can not understand in young men. I should have thought that this young fellow would have gotten up and hit him.

The CHAIRMAN. That shows that the code which prevails in relation to that is understood along different lines than to immediately resent it on the spot; but it amounted to the same thing. I suppose a great many personal fights do take place among the boys here as the years go by?

Lieutenant-Commander McVAY. None that I have known of. I have only heard of this one case in the court. You mean when I was here?

The CHAIRMAN. No; right along, all the while, from year to year.

Lieutenant-Commander McVAY. I don't know. I have never heard of it, except the one case before the court-martial, and this case I have told you of, of the fourth class man. Those are the only ones I have heard of.

The CHAIRMAN. Would you think as many as forty fights had taken place in the last three years, or three years and a half?

Lieutenant-Commander McVAY. I would not care to say anything about it, because I do not know of but the two.

The CHAIRMAN. Would it surprise you to know that that number had taken place? What had been your opinion about that?

Lieutenant-Commander McVAY. Oh, I would not care to give an opinion on that, because I don't know anything about it.

The CHAIRMAN. That is quite an essential matter of discipline here, which you must have given some attention to and some thought.

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. You must have considered whether it was prevalent to a great extent or to a lesser extent, or a very small extent, have you not?

Lieutenant-Commander McVAY. Well, I never paid much attention to that particular phase except to ask on this board of investigation in regard to fighting, and there it seemed to me there was very little of it—merely this one case.

The CHAIRMAN. Then your own opinion was that very little prevailed in the academy?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. Then I assume that you would be surprised to

know that there were forty in the last three years. Would that be a large or a small amount?

Lieutenant-Commander McVAY. I would think that was a large number from what I have learned here of the interior discipline of the academy. I know very little about it in the last three years, except in the last few months.

The CHAIRMAN. These personal encounters between the boys, unless a severe injury results, as in the Branch-Meriwether fight, are considered rather lightly by the officers; that is, they are considered as something that is sure to occur to a greater or lesser extent and are not to be ferreted out.

Lieutenant-Commander McVAY. Oh, no; not at all.

The CHAIRMAN. That is not the opinion?

Lieutenant-Commander McVAY. No, sir; it is not now.

The CHAIRMAN. Do your regulations for interior management mention fighting?

Lieutenant-Commander McVAY. Yes, sir; I think they do; I am not sure of it.

The CHAIRMAN. Show me where it is.

Lieutenant-Commander McVAY. I am not sure of that, but I know it would not be winked at. There is one thing under class 4—unprovoked assault. Unprovoked assault is one of the things under class 4, using insulting or profane language to another person or intimidating them.

The CHAIRMAN. I should imagine, if it says unprovoked assault, that that would be rather in extenuation of one that was severely provoked.

Lieutenant-Commander McVAY. It looks that way.

Mr. PADGETT. It might excuse one fellow, but it would put the other one in a position where he would be liable to punishment.

The CHAIRMAN. The one who committed the assault and was unprovoked would be punished under that. One who resisted unfair punishment, I should think, was to be let off lightly. That is what I would do if I was in charge and had the power.

Lieutenant-Commander McVAY. That is the only thing I see, except that it would come under disorderly conduct, which is not considered very serious under this unprovoked assault. I should think it would be one of these special cases.

The CHAIRMAN. Then fighting is not named in your regulations by letter.

Lieutenant-Commander McVAY. Not by actual words; no.

The CHAIRMAN. As an offense?

Lieutenant-Commander McVAY. Not that I see here.

The CHAIRMAN. It would be considered then, would it, under the regulations, a special case to be considered upon its merits, as it arose?

Lieutenant-Commander McVAY. Yes; I should think like any other serious offense. All these offenses that are down here are graded—that is, in this book. There is a new book being published now, that we are just getting out.

The CHAIRMAN. Then in a special case where no set number of demerits is provided, it is to be considered special, to be taken up according to the circumstances of the case. Then, as a matter of fact, if you found a boy under severe and sufficient provocation—gross insult—had resented it by striking the boy who affronted him,

what would be your views as to his punishment, as a disciplinary officer?

Lieutenant-Commander McVAY. My personal views would be that he would do right. That is my personal view.

The CHAIRMAN. You would not feel inclined to punish him for it?

Lieutenant-Commander McVAY. Not severely. If he were insulted and struck the person who insulted him, I would feel like I imagine any man would feel on the subject—that that was his right.

The CHAIRMAN. You would feel that the boy who insulted him and who provoked the assault was entitled to receive punishment of greater or less severity, according to the circumstances?

Lieutenant-Commander McVAY. Yes, sir; this other boy, of course, would be punished, but I would not punish him as severely as I would the one who had insulted him.

The CHAIRMAN. For that reason, then, cases of personal difference resulting in fighting, are not given as close attention here, are they, as other serious offenses?

Lieutenant-Commander McVAY. Oh, yes, sir.

The CHAIRMAN. If you see a boy the next time you have a class up in drill or formation with a black eye, what then?

Lieutenant-Commander McVAY. I would find out where he got it.

The CHAIRMAN. Well, he says he hit it against a ring, or a corner of a post down in the gymnasium; that would be sufficient, would it not?

Lieutenant-Commander McVAY. If he said that, I would know he had not been fighting.

The CHAIRMAN. You feel that you can absolutely rely on the word of the boys, do you?

Lieutenant-Commander McVAY. Absolutely.

The CHAIRMAN. Do you ever consult the records in the hospital to find out about fighting?

Lieutenant-Commander McVAY. No, sir; I have nothing to do with that.

The CHAIRMAN. Would not that be a very rich source of information along that line?

Lieutenant-Commander McVAY. If there had been fighting and anybody was seriously injured, you would learn of it there, I imagine. But that is not within my province.

The CHAIRMAN. Are not all the officers attached to the institution a part of the disciplinary force?

Lieutenant-Commander McVAY. All of them; yes, sir. The regulations require that all officers are on duty at Annapolis. I mean an officer here is on duty at all times.

The CHAIRMAN. The opinions you have expressed about fighting under provocation, and personal differences which occur everywhere among all bodies of boys and men, would not apply, I suppose, to class fighting?

Lieutenant-Commander McVAY. No, sir.

The CHAIRMAN. What are your views about class fighting?

Lieutenant-Commander McVAY. I think that is bad. It is against good order and discipline.

The CHAIRMAN. Do they cover the system in which the result is pretty well determined in advance?

Lieutenant-Commander McVAY. That is my opinion.

The CHAIRMAN. And where an experienced fighter, a skilled fighter, is put against a green classman, with a pretty sure result that the under classman will be whipped?

Lieutenant-Commander McVAY. Of course I will be very glad to answer that, but I will say that I know of no such cases.

The CHAIRMAN. Yes. All class fighting grows out of the hazing system and rating system?

Lieutenant-Commander McVAY. Yes, sir; that is my idea.

The CHAIRMAN. And it would therefore be looked after carefully, with a view to stamping it out as a part of the hazing system.

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. The committee has been somewhat surprised, in getting the testimony of the surgeons here, to find that apparently, unless the injuries resulting from fighting are severe, and that no advantage is taken of the evidence that comes there. It appears that boys in considerable number go there for fighting. They have gone there during the past year, and so far as we are able to discover the disciplinary force proper of the academy do not avail themselves of that source of information unless a severe injury has resulted, as in the Branch-Meriwether fight.

Lieutenant-Commander McVAY. We do not get that information—I mean as discipline officers.

The CHAIRMAN. It is here to be had.

Lieutenant-Commander McVAY. Not by us.

The CHAIRMAN. Are not the surgeons under the direction of the superintendent?

Lieutenant-Commander McVAY. Yes.

The CHAIRMAN. The superintendent is the head of the disciplinary branch as well as all other branches here?

Lieutenant-Commander McVAY. The head of the department of discipline is the commandant. That is a separate department.

The CHAIRMAN. Is not the superintendent his superior?

Lieutenant-Commander McVAY. Oh, yes. The superintendent is the head of that, the same as anything else.

The CHAIRMAN. But the superintendent is the head of it?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. The orders of the superintendent given to the surgeons would be the same as those given to any others?

Lieutenant-Commander McVAY. The same as to us. What I meant was, if a young man, for instance, comes up here each morning we get what is called a sick list.

The CHAIRMAN. Who gets it?

Lieutenant-Commander McVAY. The officer in charge. He gets a list of those midshipmen who are in the sick quarters or on the excused list.

The CHAIRMAN. The officer on duty at Bancroft Hall gets the report every morning?

Lieutenant-Commander McVAY. Every morning.

The CHAIRMAN. Does he get a copy of it or merely the names?

Lieutenant-Commander McVAY. We do not get a copy, but only the names of the people on the sick list, so that we can account for them at drills, formations, and recitations. If the name does not appear on that, we look it up and send for them.

The CHAIRMAN. Is the name, in case of injury, given to you?

Lieutenant-Commander McVAY. Not to us.

The CHAIRMAN. Would not that be a great source of information to you in detecting, for instance, class fighting?

Lieutenant-Commander McVAY. It would, I imagine.

The CHAIRMAN. I say, then, the committee have been somewhat surprised that no advantage seems to have been taken of that source of information.

Lieutenant-Commander McVAY. Well, this is a custom of the service, even on shipboard, when a man is put on the sick list. As a general thing, by consulting the sick list, you would merely know that he was on there. Whereas the report of his injury, or whatever it was, would come to the captain, the same, as I suppose it goes each morning to the superintendent. I do not know anything about that part of it. I only know, as I say, that we get the names of those who are on the sick list or excused list.

The CHAIRMAN. If you should find, three months from now, that class fighting prevailed, or should find one case of class fighting, would not that be a very important indication that hazing in some form existed?

Lieutenant-Commander McVAY. Yes, sir; I should say so. Some form of coercion. They would call it what they pleased, but it would be.

The CHAIRMAN. It would be the result of hazing, as defined in these courts-martial, and in your investigation?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. Then, can the disciplinary force here, in keeping track of whether any form of hazing is developing, afford to be without knowledge from day to day and from week to week, of whether cases of fighting have been treated in the surgeon's department?

Lieutenant-Commander McVAY. Except as I say, where we would see the members of our division. Naturally, if we saw any injury to them we would inquire what was the matter with them. You see, we inspect their rooms, and in going around, naturally, if we see anyone battered up we would ask how he got that way. He would either tell you how he got it or decline to answer. There would be no quibbling about it. If he had fallen down the steps and mashed his face he would say "I fell down the steps and hurt my face." If he had been fighting, he would not give some other reason. He would say "I prefer not to answer." Then you would promptly investigate it and find out what it was. He would not lie, nor would he quibble.

The CHAIRMAN. If he had a pair of black eyes and came to the surgeon's office and had them painted over, so that you would not notice it a little way off, you would be deprived of the information?

Lieutenant-Commander McVAY. Yes.

The CHAIRMAN. So it still remains the fact that the surgeon's office is where a pretty clear indication of whether there is class fighting or not could be obtained?

Lieutenant-Commander McVAY. I should think they would discover it there.

The CHAIRMAN. At present, as far as we can learn, that source of information is neglected. We do not find in the surgeon's testimony any understanding on his part that he is to report anything

to anybody, more than the name and the company, that they are sick. That, perhaps, if it is a contagious disease that would be reported, but that there is no duty on his part to inquire into the injury with a view to ascertaining whether there are class fights or any other kind of fights, and reporting it to some superior officer, so that it may be available for the disciplinary force?

Lieutenant-Commander McVAY. So far as I know, it has never been called for.

The CHAIRMAN. In fact, a surgeon testified before us that he did not consider it a part—Surgeon Stone testified that he did not consider it a part of his duties to make inquiry about that sort of a matter in order to report it. That his understanding was that the only inquiries he need make about a patient were such as would be ordinarily made by any doctor, to give him information, about treating the patient. We called the attention of Surgeon Stone to rule 64, I think it was——

Lieutenant-Commander McVAY. There is a regulation that says every officer attached to the academy is on duty at all times. Of course, he would have to figure out his way of doing his duty, according to himself.

The CHAIRMAN. These are the regulations of the Naval Academy:

It shall be the duty of all officers, naval and civil, at the academy, who have knowledge of any violation of a regulation, or of any neglect, or improper conduct of which a midshipman has been guilty, to report the fact to the commandant of midshipmen.

Surgeon Stone never happened to know there was such a regulation or that he was considered a part of the disciplinary force, and his testimony was that he did not consider it his duty to make any inquiries except such as were necessary for his information as a surgeon nor to report it to anyone else. So that the committee has thought that perhaps fighting was looked on with considerable leniency by the officials in charge.

Lieutenant-Commander McVAY. No; I would not say that at all. In fact, it is just the reverse.

The CHAIRMAN. Do you not think that in the preservation of future discipline, the information in the surgeon's office ought to be made available constantly to the disciplinary officers?

Lieutenant-Commander McVAY. Well, no. I think if they furnish it to the superintendent or the commandant—not to us, because that would be——

The CHAIRMAN. I assume that they are part of your disciplinary force.

Lieutenant-Commander McVAY. That must be furnished to them now; perhaps not the reason, but if a midshipman goes to the hospital a complete record of the case is required to be entered in a book, and when the sick list goes—wherever it goes, to the commandant or superintendent—it shows there what is the matter with him, whether he has fever, diarrhea, or whether it is a contusion, or whatever it is.

The CHAIRMAN. We have examined the record as kept by the surgeon.

Lieutenant-Commander McVAY. I should think that would show. Of course, that is not a department of mine. For instance, here is a department here in the yard, and we have nothing to do with that. But we do have something to do with the part of the pay department

that is connected with the midshipmen. But as to the surgeon's department, that is a separate yard department which makes a report of its sick to——

The CHAIRMAN. I hardly follow you in the statement that you have nothing to do with the surgeon's department. Under the regulations which govern this academy every officer attached to it, civil or naval, is made a part of the disciplinary force. Your disciplinary force, therefore, has a right to the information on hand in the surgeon's office.

Lieutenant-Commander McVAY. If we asked for it, oh, yes. If we want it and ask for it. Just as to the matter you referred to. If a young man in my division had a black eye and I went and asked him, "How did you get that," and he would say, "I prefer not to answer," then I could promptly telephone to the hospital and ask if he had been treated there and why he was treated. Then they would give me that information; but unless I happened to get it in that way, I would not have any reason to go up and look at the medical journal. As a matter of fact, I suppose they would be very much incensed if I looked at it.

The CHAIRMAN. You telephone to the hospital and you find the record there is that the boy was treated for a severe contusion of the right eye. What further information have you received now?

Lieutenant-Commander McVAY. I would not get much more than that, if that is what they had, except that I should ask what doctor treated him and then telephone to him and ask what caused that. They have testified here—I think a young man testified in the trial of Mr. Meriwether, that he had refereed nineteen fights.

The CHAIRMAN. Yes. A young man named Fitch, who graduated, I think, last year, and Mr. Humphrey, testified that they sat down and counted up and they could recall forty fights in the last three or three and a half years. It is quite probable that a few of them would slip their memory during that time and they would not think of all of them.

Lieutenant-Commander McVAY. Of course, I do not know anything about this, except from what he has testified. He was in my division. When he got his demerits for this engagement in a fight it took me a long while——

The CHAIRMAN. Who was in your division?

Lieutenant-Commander McVAY. Fitch. He was in my division. I assigned the punishment for his offense. That is, I indicated it. In those serious cases they are referred to the commandant to assign demerits and punishment and all that. I remember him. I called him in and told him that he was in this fight and that I should recommend that he get one hundred demerits. He said he did not see why he should have that. I told him it was a thing that could not be tolerated here and that I did not believe in it. He said fights had been going on, and all that sort of thing, as any young man would talk. He was a young man that I was very fond of. I sent him away and told him all right. Of course, that was all right from his point of view, but I could not see that. My idea was that he should have one hundred demerits. Then I had made up my mind before that, that I should recommend that he be disgraced. He was a cadet, junior lieutenant—that is, reduced to the ranks. I forgot to tell him that. I sent for him and told him that I had

forgotten to tell him that I should also recommend that he be reduced to the ranks for this thing, which he also thought was a serious punishment in addition to the other, but that is what he got. He got one hundred demerits and was reduced to the ranks for that.

The CHAIRMAN. When did he graduate?

Lieutenant-Commander McVAY. Within a few days.

The CHAIRMAN. He was in this present class?

Lieutenant-Commander McVAY. Yes. He was perfectly honest, and a young man who will make a very good officer, and I was very much interested in him. I thought he was a very good man and was very attentive to his duty.

The CHAIRMAN. What was the date of this action on your part?

Lieutenant-Commander McVAY. That was shortly after the Branch-Meriwether fight.

The CHAIRMAN. It was after that?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. What particular part did Fitch take?

Lieutenant-Commander McVAY. He was the referee.

The CHAIRMAN. In that fight?

Lieutenant-Commander McVAY. Yes, sir; that is when it came out that he had refereed nineteen fights. He told me.

The CHAIRMAN. He was a petty officer at that time, or a cadet officer?

Lieutenant-Commander McVAY. He was a cadet officer.

The CHAIRMAN. Did Bean also receive the same number?

Lieutenant-Commander McVAY. I think he received one hundred demerits. Anyone who was in any way connected with that was reduced to the ranks. There were three or four cadet lieutenants and three or four cadet petty officers—I do not remember the number. They were all reduced to the ranks, and I think all of them were given one hundred demerits for it. There was a third class man—I do not remember whether there was one or two. I don't know whether they got fifty or one hundred demerits. Those were assigned by the commandant.

The CHAIRMAN. Was that the first case of fighting that came to your knowledge, or the knowledge of the other officers during this school year?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. The first you had known of?

Lieutenant-Commander McVAY. Yes, sir; we had only been here a very short time.

The CHAIRMAN. Fitch received one hundred demerits on that occasion?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. How much did Bean get?

Lieutenant-Commander McVAY. One hundred, I think.

The CHAIRMAN. You made a recommendation on that?

Lieutenant-Commander McVAY. No, sir; that was a correct answer. Mr. Fitch was the only one in my division connected with it. There were three or four from different divisions that had gone over.

The CHAIRMAN. How many participants were there in the fight besides the principals? Were there four present?

Lieutenant-Commander McVAY. I think they had four.

The CHAIRMAN. And one or two outside guards?

Lieutenant-Commander McVAY. No; they had—I am not very familiar with the practice. I think they had two on each side, and then a referee and timekeeper. That is my idea of it. Then, in addition to that, these midshipmen were absent from their formations. Then, for instance, I think there were two captains of companies, or three, who winked at this thing, and all of those were reduced to the ranks, and given, I think, one hundred demerits. Then there was another petty officer on duty where he heard what took place on that floor. Of course he could hear the noise. He was reduced to the ranks and given one hundred demerits. And there is always a midshipman on duty in each corridor. So the thing could not take place if they would attend to their duty.

Mr. PADGETT. How many rooms are there in Bancroft Hall available for the use of the boys?

Lieutenant-Commander McVAY. I could not say offhand.

Mr. DAWSON. Some one testified about five hundred.

Lieutenant-Commander McVAY. I know one of the rooms in my division is 790. There are five floors with rooms on them. I should imagine——

Mr. PADGETT. Did I understand you to say there were 220 rooms under your supervision?

Lieutenant-Commander McVAY. No, sir; 220 midshipmen. That would be 110 rooms. I would not like to say the actual number offhand. There are five stories.

Mr. PADGETT. I thought maybe you might know the aggregate number of rooms in the building?

Lieutenant-Commander McVAY. I think it is over five hundred, though. I am sure it is.

The CHAIRMAN. The testimony of Mr. Humphrey was that he and Mr. Fitch counted up forty fights while Mr. Fitch had been here that they could remember and that they personally knew about. They thought, or admitted, that there must have been some they did not know about and some they did not remember. So that for the past four years you could safely say there were fifty, at least. If they could remember forty, you would fairly assume there were fifty?

Lieutenant-Commander McVAY. I guess they know pretty much all there were—Mr. Fitch particularly.

The CHAIRMAN. Well, he seems to have taken a great interest in that line, and yet there might have been personal encounters where they did not have a referee or that he did not know about. That would be an average of about twelve a year. The large majority of those were personal encounters and were not class fights. His testimony was, in response to a question as to how many of them went to the hospital, that almost invariably one or both of them went to the hospital, sometimes merely to have an eye painted over, a stitch or two taken in the lip, or something of that kind. He further says, in answer to a question as to what reason they would assign for their injury, at the hospital, “I do not think they would assign any reason. I think it was taken for granted that the reason was self-evident.”

Now, he says along here further, in answer to a question as to whether they would be protected or not at the surgeon's department, “I think everybody that went there was fairly sure that there would be nothing further developed.” That is, that it would not be reported. [Reading:] “The Chairman. The doctors must stand pretty high in the

estimation of the boys? Mr. Gregg. It shows they have great confidence in the doctors, at least." And Mr. Humphrey says, "They have confidence in the doctors."

So I assume from that that the surgeon—and the testimony of one of them practically agrees with this, that he considers it no part of his duty as a surgeon to pay any particular attention to the injuries received which would indicate fighting—makes no inquiries unless such information would be thought necessary by him as a physician in treating the case.

Lieutenant-Commander McVAY. I have never had occasion, except on this one occasion, to refer any subject to the doctors. That was the case of Mr. Kimbrough. I called up the senior surgeon, and told him I wanted somebody to come down and take this midshipman away, who was unconscious, and see what was the matter with him. He asked me, "What is the matter with him?" I said, "He is unconscious and rolling around here." He said, "What did it?" I said, "Hazing did it." That is the only case I had any connection with, and the senior surgeon, Surgeon Byrnes, asked me outright what was the matter with him.

The CHAIRMAN. There is a very full record in that case.

Lieutenant-Commander McVAY. Yes, sir. Then I did have another case. The surgeon came to me and told me there was a young man in the hospital that he thought had been hazed. That was a young man named Dresel. He had been kicked in the side playing football, and had injured a kidney. The doctor told me when I was going through the yard, as officer in charge, that he thought the boy had been hazed. I told him I was quite sure he had not been, because there was not any hazing. That was my idea then, because I had just come here. "However," I said, "I will see him without his knowing it, and let you know; and you let me know if he comes up there again." I looked it up, and I was right. It was not from hazing; it was from this kick. Those are the only two cases I know of—where the doctor asked me once what the cause was, and I said hazing, and the other where the doctor, Doctor McCormick, thought the boy was hazed, and it turned out he was mistaken; it was not from that. Then they spoke about this young man Cooper, who went to the hospital paralyzed about the same time with Kimbrough. We went into that very carefully in the investigation, but that was not from hazing, as far as we could learn.

The CHAIRMAN. I think you said you were able to discover only four cases where the hazing was severe enough to result in personal injury. What were the other three besides the Kimbrough case?

Lieutenant-Commander McVAY. Why, there was Kimbrough and Mr. Bloebaum, who was dismissed. He made a young man lay on a box——

The CHAIRMAN. He was one of the hazers. I remember the case.

Lieutenant-Commander McVAY. That hurt his neck, and he was exhausted. There were two other cases, I believe—hazed to exhaustion.

The CHAIRMAN. Do you remember the name of the boy who was required to lay on the box?

Lieutenant-Commander McVAY. No, sir; we had about three hundred names there. It would be absolutely impossible.

The CHAIRMAN. Do you remember any one of the three besides Kimbrough?

Lieutenant-Commander McVAY. No. Mr. Stone can tell you, I know. He has that. There were 300 names and 120 witnesses—420. There were so many different things that we could not remember it. There was no permanent injury about this. They were merely exhausted, I think—hazed to exhaustion.

The CHAIRMAN. It did not result in anything permanent, but it was severe enough to exhaust them at the time.

Lieutenant-Commander McVAY. It was severe enough to exhaust them at the time; yes, sir. One was from hanging on the locker, I think.

The CHAIRMAN. I imagine there must have been more than four where they were exhausted at the time. I judge so from reading the evidence.

Lieutenant-Commander McVAY. We asked in a great majority of the cases whether they were exhausted, and I don't think there were over six or eight.

The CHAIRMAN. We found quite a considerable number of cases—much more than four—where they had been required to do it two hundred, three hundred and fifty, and in one case, I think, four hundred times. Now, I want to ask you as to the matter of proving these things—what the practice has been in these cases. I want to inquire as to the view you take as to proving these offenses. We will assume that Mr. Bloebaum went into the room of a fourth class man and compelled him to do the sixteenth one hundred times, there being no one present but the fourth class man and himself. He would then proceed to the room of some other fourth class man and require him to go through certain exercises, then he would go to the room of a third fourth class man and require him to do it, but in each case he would be alone with the fourth class man. Could that evidence be produced before a court-martial under the rules that prevail here to convict Bloebaum of the offense of hazing?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. Do they require more than one witness to the specific act?

Lieutenant-Commander McVAY. No; one is sufficient, I think. That is, if it is undenied. If he got up and said he did not do it at this time and place the court would have to decide that.

The CHAIRMAN. Very well. I do not suppose he is obliged to testify or to incriminate himself—or does that rule prevail?

Lieutenant-Commander McVAY. Oh, no.

The CHAIRMAN. Very well. Then Mr. Bloebaum is charged with hazing Mr. Winters, and he was alone in the room with him. Mr. Bloebaum refuses to testify. Then would the evidence of Mr. Winters be considered sufficient?

Lieutenant-Commander McVAY. I should think so.

The CHAIRMAN. But if Bloebaum denied it, what then?

Lieutenant-Commander McVAY. Then the court would have to decide as to the value of the testimony, the same as any other court of law.

The CHAIRMAN. But they would have a right to believe the fourth class man and disbelieve Mr. Bloebaum?

Lieutenant-Commander McVAY. Oh, yes; just the same as a civil court.

Mr. GREGG. In that connection, suppose he had gone to several

other rooms and had hazed fourth class men with no one present but he and the fourth class man. Under the practice of a court-martial would the evidence be admissible as to those other cases to corroborate the one on trial?

Lieutenant-Commander McVAY. No. The trouble with this is that it is like all courts. There is no trouble about proving the offense of hazing if you can detect it. Once you detect it you can prove it. But this big, long voluminous record has to specify that at such and such a time, at such and such a place, so and so did such and such a thing to such and such person. That person can only testify regarding that one particular thing. There has to be a specification of that particular offense. He can testify to that, but he can not testify to the other.

Mr. GREGG. I know——

Lieutenant-Commander McVAY. The trouble is just like our summer cruise on a ship.

Mr. GREGG. Under the practice, if he would haze four fourth class men, would they all be included in the specification on which he is tried?

Lieutenant-Commander McVAY. There would be four separate specifications under one charge. It would read: "Charge and specifications of a charge preferred by Rear-Admiral James H. Sands, United States Navy, Superintendent United States Naval Academy, Annapolis, Maryland, against midshipman So-and-so, such and such a class."

The CHAIRMAN. There would be four counts in one indictment?

Lieutenant-Commander McVAY. Yes.

The CHAIRMAN. On the trial on the first count the first cadet, Winters, comes in and testifies that Bloebaum hazed him.

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. And that is all the evidence there is. Mr. Bloebaum, we will say, denies it. The next cadet, Mr. Caldwell, testifies on the second count that Mr. Bloebaum hazed him, and Mr. Bloebaum denies it. The third one, Drew, testifies that Mr. Bloebaum hazed him. Now, while each count is separate, would not a court-martial be justified thoroughly in considering the value of the testimony, in taking the collective evidence of all of them, as showing the probability that Bloebaum did commit each separate act?

Lieutenant-Commander McVAY. You know in a court-martial they start at the first specification. After all the testimony was taken they would start out with the first specification and the junior man writes down "Proved" or "Not proved."

The CHAIRMAN. Before taking up the next one?

Lieutenant-Commander McVAY. They do not see each other's vote. That is passed up to the president of the court, who sorts them out and says "Three 'Not proved' and two 'Proved.'" The first specification is not proved." He then puts that aside. Then they vote on the second specification in the same way.

The CHAIRMAN. Do you mean that after taking up the first count they vote upon it before taking up the second count?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. They do not wait until they get through?

Lieutenant-Commander McVAY. No, sir.

Mr. GREGG. But they take all the evidence first?

Lieutenant-Commander McVAY. Yes, sir.

The CHAIRMAN. That is what I was trying to ask you about, whether they vote as to the guilt or innocence of the accused on one count before proceeding to the second.

Lieutenant-Commander McVAY. Oh, no.

The CHAIRMAN. Then the fact that four boys have testified he hazed them would certainly have an important bearing with the court in determining whether Bloebaum was lying or whether one of the boys was lying on the first count.

Lieutenant-Commander McVAY. That is, to use slang, "up to" the individual members of the court. They must form their opinions from the evidence. Then the law requires that anybody who is brought before a naval court must be served with specifications for every offense up to that time.

The CHAIRMAN. That is no different from any court. They have to be charged specifically with each offense and each count. I was trying to determine whether, although three or four boys were testifying on each of several counts that he had hazed them, he could escape because there was only one witness to offset his denial. You say it is in the province of the court to give such value to the testimony of each as they choose to. Therefore, in any court, this corroborative evidence, although it does not bear on the same point, could properly influence the judgment of the court.

Lieutenant-Commander McVAY. We had a case of a young man who had two or three specifications. He denied every one of them and was acquitted.

The CHAIRMAN. What boy was that?

Lieutenant-Commander McVAY. Mr. Decatur. He went on the stand and denied each and everything and was acquitted. There are a great many cases that can never be brought to trial, because you can not prove dates, times, or places.

The CHAIRMAN. It is not necessary to prove the exact date, is it?

Lieutenant-Commander McVAY. Well, an approximate date. Times, places, and dates, and witnesses—sometimes they are not sure.

The CHAIRMAN. I would say they could not convict a man if they do not know who he hazed, but whether it was committed on the 10th or 20th of September I should not think very material.

Lieutenant-Commander McVAY. No; the specification says in such a case "On or about the 20th of September."

The CHAIRMAN. I was inquiring along this line because it seemed to me if there was any rule of evidence that prevailed in courts-martial that if an upper class man was accused of hazing by a lower class man and denied it, and there being only the two present, the court would not convict, then all the protection they would have to have in hazing would be to have only one man present.

Lieutenant-Commander McVAY. Except, in that case, as I say, if he did deny it certainly somebody else must know about it—either that he did the thing or that he did not do it.

The CHAIRMAN. Somebody else need not know about it if there were only two present.

Lieutenant-Commander McVAY. But some one else would learn about it. He might not be a witness, but he would know.

The CHAIRMAN. What good would it be if it was merely hearsay evidence?

Lieutenant-Commander McVAY. What I mean is, if he went there and said he did not do this thing, but he had done it, he would not be permitted to stay here—if he was lying. That is the chief crime, the chief high crime.

The CHAIRMAN. I see.

Lieutenant-Commander McVAY. So he would have to go. So that it is hardly possible that he would deny it if he did it, unless he might deny dates and things like that.

The CHAIRMAN. If he refused to testify at all on the ground that he would incriminate himself, there would be the undisputed evidence of the one boy that he did it?

Lieutenant-Commander McVAY. Yes, sir; the undisputed evidence, the same as in any ordinary case.

The CHAIRMAN. That is all I have in mind now. If there is anything else that arises about which we want to ask you we will recall you. We are very much obliged to you for the very full and complete manner in which you have responded to all our inquiries.

Lieutenant-Commander McVAY. If there is anything I can do, I will be only too glad to serve you.

The subcommittee (at 4.45 o'clock p. m.) adjourned until to-morrow, Thursday, February 22, 1906, at 10 o'clock a. m.

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., Thursday, February 22, 1906.

The subcommittee met at 10.30 o'clock a. m., Hon. E. B. Vreeland in the chair.

STATEMENT OF JOSEPH RALPH WILLIAMS.

JOSEPH RALPH WILLIAMS, having been first duly sworn, testified as follows:

The CHAIRMAN. State your full name to the reporter, please.

Mr. WILLIAMS. Joseph Ralph Williams.

The CHAIRMAN. Where were you appointed from?

Mr. WILLIAMS. New Jersey, sir; Sixth, New Jersey. It is now the Ninth.

The CHAIRMAN. You want to make a statement to the committee, do you?

Mr. WILLIAMS. Yes, sir; I would like to. I was dismissed for conduct and studies, and according to the regulations in this book here for the government of the Naval Academy—not this one; I don't think you have the one I mean. Yes, here it is——

The CHAIRMAN. You need not stop to look it up.

Mr. WILLIAMS. According to the rules in this book it says the academic board shall meet and decide on all midshipmen who shall be dropped.

The CHAIRMAN. Yes.

Mr. WILLIAMS. It is customary to allow a midshipman to go on until the semiannual examination before he is dropped. In my case, I was dropped on one month's work only. I got 144 demerits.

The CHAIRMAN. When did you receive notice that you were dropped?

Mr. WILLIAMS. On the 29th of November. I had not been given any warning prior to that. I received 144 demerits in one month, and I got it all from one officer. All the demerits that were given by commissioned officers were given by one man, except in one instance. This man was Lieutenant-Commander Decker. None of my offenses were grave. The highest number I ever received for one offense was 15 demerits. The others were all minor offenses.

The CHAIRMAN. Are not the number of demerits for any given violation laid down in the regulations?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Did he give you more than were laid down?

Mr. WILLIAMS. Yes, sir; in some instances he gave me demerits I should not have had. A midshipman is allowed to make a statement in writing for every report made against him——

The CHAIRMAN. Name some of the alleged violations for which you should not have received any demerits.

Mr. WILLIAMS. In one case I was ordered to report to this Meriwether-Branch court-martial to testify in behalf of Mr. Meriwether and I was ordered to report there immediately. I had this order at three minutes of 10. At 10 o'clock the officer in charge comes in and inspects the rooms, to see that we are in uniform and to see the rooms are in order. He came in and found me in my underclothes, and I had my dress uniform on the table. He asked why I was not ready to receive the officer in charge, and I told him I was ordered to go to the court immediately and was getting into my dress uniform. I was reported for that.

The CHAIRMAN. How many demerits did you receive for that?

Mr. WILLIAMS. I don't know. They are down in the record.

In another instance I was reported for wearing my roommate's clothes without permission. I had my roommate's permission to wear them. I wore his overcoat one day to recitation, because my reefer was at the tailor's, and somebody had taken my overcoat.

The CHAIRMAN. How many demerits did you get for that?

Mr. WILLIAMS. Four or five, I think.

In another instance I was reported for disrespect to an officer, because I was posted for being deficient at the end of one week in steam engineering. Everybody in the section thought I should have been satisfactory, and I knew I had done very good work. I put in a statement. This is about what it was: "I respectfully request permission to speak to the head of the department of marine engineering and naval construction regarding my mark for the week ending"—whatever it was. I said my reason for making this request was that I would have taken my oath that my mark should have been over three for that subject. Then Mr. Decker put me on the report for disrespect to that officer who had had me during the week.

In another instance I was reported for being in the corridor out of uniform one Sunday morning before 8 o'clock. We have reveille at 6 o'clock and the study call at 8 o'clock. According to the regulations you can be in the corridor in proper uniform from 6 to 8 a. m. You do not have to be in the regular uniform for the day. I was going to the toilet in my pajamas. I was singing in the corridor, which I have a perfect right to do before study hours. This Mr. Decker was in the corridor, but in a separate portion of the corridor, so he couldn't see me. The master at arms saw me go in the room,

and he asked the master at arms which room I was in. He came and saw me in the room and put me on the report for not being in proper uniform and for creating a disturbance in the corridors. I was in proper uniform. I was in my pajamas. You are allowed to go from your room to the toilet in your pajamas before breakfast formation in the morning.

Mr. GREGG. What time is breakfast formation?

Mr. WILLIAMS. 6.35. Reveille is at 6.

Mr. GREGG. I thought you said this was just before 8 o'clock.

Mr. WILLIAMS. No, sir. I say you can be in the corridor in proper uniform from reveille until 8 o'clock. After 8 o'clock you have to be in the uniform of the day; but up to that time it says you can be in the corridor in proper uniform.

Mr. GREGG. You said you could go to the closet in your pajamas?

Mr. WILLIAMS. Yes, sir.

Mr. GREGG. Before 6.35.

Mr. WILLIAMS. Yes, sir. I was reported before 6.35. This was before breakfast formation that this occurred.

Mr. GREGG. Before 6.35 in the morning?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. How were you in your studies?

Mr. WILLIAMS. The first month I was very low in steam.

The CHAIRMAN. How were you in your last preceding examination, for the preceding year?

Mr. WILLIAMS. I was satisfactory last year. I have been satisfactory all along. The superintendent told me in view of the fact that I had these low markings—I had a talk with him and told him I believed I was being discriminated against——

The CHAIRMAN. Low markings for what, conduct or examinations?

Mr. WILLIAMS. Examinations for the academic month of November. I told him that I was discriminated against. I told him of an instance where Lieutenant Snyder had discriminated against me, and Lieutenant Wells, in steam. He said "I see you have the ability, and if you get down to hard work there is no reason why you should not pull through and graduate with your class." That was after he knew of these low marks. That is the only interview I have ever had with the superintendent.

The CHAIRMAN. You were set back one year?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. What was that for?

Mr. WILLIAMS. Deficiency in steam and in mechanics. There were seven of us.

The CHAIRMAN. You had no fault to find with your markings in your examination?

Mr. WILLIAMS. No, sir. The only thing I have is that I did not get the markings I deserved in my daily marks. Lieutenant Snyder said to me in the section room: "Mr. Williams, I could report you for disrespect if I wanted to, but I am not going to do it. I am going to mark you accordingly at the end of the month." I was unsatisfactory in navigation, and I stated this fact to the superintendent and he told me he would call Mr. Snyder over and ask him about it. He called Mr. Snyder over, and he denied having said it. Then I offered to get the whole section as evidence. The superintendent said no, he would have to take Snyder's word. In another instance, about this

Lieutenant Wells, a certain midshipman came to me and said that after I had taken my examination one month—I left the room early—Mr. Wells came up and looked at my paper and said, “I will fix him all right.” This midshipman repeated it to me when I went back to the room, after examination, without any questioning on my part. I simply went in the room and he said, “Wells is going to fix you all right.”

The CHAIRMAN. Who is Wells?

Mr. WILLIAMS. He was my instructor in steam—Lieutenant Wells. I told this to the superintendent, and he asked me if I could get proof of that. I said I was not willing to unless I first spoke to the midshipman who spoke of it to me, because I knew if he testified to that he would probably be discriminated against. I went to him. His name is Spofford. He graduated with the class of 1906, on the 12th of February. He didn't wish me to make any statement regarding it, but I could have got the whole section as evidence of the fact that Snyder said he would mark me for disrespect. He had a perfect right to mark me for conduct. I told the superintendent I did not believe my conduct was disrespectful, but if it had been the superintendent said I should have apologized to him. I said I would have been perfectly willing to, if I had thought about it at the time.

The CHAIRMAN. What was the alleged disrespect?

Mr. WILLIAMS. He did not say. He said my general attitude in the section room. If I had the conduct book in which my record is kept I could show you a great many more instances where I got demerits that I can not recall now. Another thing, the man who reports you is the man to whom you have to send your statements, so he virtually passes on the verdict that he has before pronounced.

The CHAIRMAN. You say virtually. What do you mean by virtually passes?

Mr. WILLIAMS. I do not mean virtually. I mean he absolutely does. These statements are sent in to him, and if he thinks the statements warrant taking off the demerits it is done.

The CHAIRMAN. You mean your statement is sent to him?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Your explanation?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Does not your explanation and his report go up to his superior officer?

Mr. WILLIAMS. They should go to the commandant. They did until the new régime, with the coming of Admiral Sands last year. Everything went to the commandant. As a matter of fact when we send in our statements they are directed to the commandant, but they go to the divisional officer.

The CHAIRMAN. Where do they go now?

Mr. WILLIAMS. To the divisional officer.

The CHAIRMAN. Where do they go from him?

Mr. WILLIAMS. They do not go any place. The conduct sheet itself goes to the commandant, with the demerits assigned, but he never sees the statements.

The CHAIRMAN. What makes you think that?

Mr. WILLIAMS. Well, because the divisional officer passes on them.

The CHAIRMAN. Have you not a right to address a letter concerning it to the commandant?

Mr. WILLIAMS. Yes, sir; all of my statements were directed to the commandant.

The CHAIRMAN. Then you have an easy way of placing your side of it before the commandant, have you not?

Mr. WILLIAMS. But they do not go to the commandant. They go to the divisional officer, and he assigns the demerits.

The CHAIRMAN. Could you not write the commandant about it?

Mr. WILLIAMS. No, sir; they have to go to the divisional officer.

The CHAIRMAN. I have a letter in my pocket about that, I think, addressed to the commandant.

Mr. WILLIAMS. And in order to see the superintendent you have to go to the commandant first and state your case.

The CHAIRMAN. You say this rule has prevailed since Admiral Sands came?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Well, here is the case of Mr. Bean.

Mr. DAWSON. To what cause do you attribute this discrimination?

Mr. WILLIAMS. I can not attribute it to anything except that I was probably careless in some instances. I don't know why Mr. Decker should have had it in for me, but he did. I lived between two rooms, and he did not inspect the rooms on either side of me every morning, and he did inspect my room.

Mr. DAWSON. You think you incurred his special displeasure in some way?

Mr. WILLIAMS. I think I did.

Mr. DAWSON. But you do not know how?

Mr. WILLIAMS. I do not know how; no, sir.

Mr. GREGG. You say you got 144 demerits in one month.

Mr. WILLIAMS. Yes, sir.

Mr. GREGG. What month was that?

Mr. WILLIAMS. Well, the academy opened this year, I think, on the 12th of October. We were about two weeks late.

The CHAIRMAN. Here is the case of Mr. Bean. There is a report here from a professor for misconduct in class. It seems to be made out on a regular form provided by the academy, and a statement is made of what he did. It is addressed to the commandant of midshipmen; that is, from the professor?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Here is a letter from Mr. Bean addressed to the commandant of midshipmen, taking up each matter and giving an answer to it as to his side of it, or how it looked to him. Who is H. W. or H. A. W.?

Mr. WILLIAMS. That is H. A. Wiley. He is the divisional officer to whom that went. He is the officer in charge of the division in which Mr. Bean is. Each officer has charge of three companies. There are twelve companies in the brigade. In cases of a serious nature, where you insist on it, the commandant does see them, and they go to the superintendent.

The CHAIRMAN. I will tell you the proceedings that took place in this case. The statement of Mr. Bean, showing his side of it, and his excuse for it, was sent to Mr. Wiley. It seems to have been a matter as to which the number of demerits was prescribed in the regulations.

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. And they were put down. Mr. Wiley adds in his

own handwriting to this letter, "Respectfully referred to the commandant of midshipmen. While technically guilty of having non-regulation clothes, it would seem that 50 demerits is a severe penalty for this specific offense." That is forwarded on to the commandant of midshipmen. He reduced it to 25 demerits on this young man's statement. Now, you want to tell us that if you write your divisional officer, for example, Lieutenant Wiley, giving your statement of it, that he would suppress the letter instead of sending it on to the commandant?

Mr. WILLIAMS. Oh, no, sir; but I mean to say that there are so many midshipmen here that he has not an opportunity to look over these, or for some other reason he does not get them except in special instances where the report is of a grave nature.

The CHAIRMAN. There are not a great number of a grave nature, are there? Are not the majority for minor breaches, where no question is raised by the midshipmen? I suppose in a majority of the cases the midshipmen do not want to send in a statement, do they, for these minor infractions, when they know they are guilty?

Mr. WILLIAMS. If they know they are guilty it is not necessary to put in a statement, because it will not do any good. If they are guilty of a violation of the regulation and it is prescribed in the book it is no use putting in a statement.

The CHAIRMAN. And it ought not to do any good?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. There are only a few cases, then, where the midshipmen desire to send in a statement?

Mr. WILLIAMS. I do not know as you could say few cases, because as a rule the midshipmen send in statements for almost every report against them. For instance, if they are late for breakfast formation. You could put in a statement and say why you were late.

The CHAIRMAN. Are you not supposing about something that you do not know about of your own knowledge? You say there are so many of these things that the superintendent does not have time to look them over. How do you know about that?

Mr. WILLIAMS. I could not say as to that positively; no, sir.

The CHAIRMAN. Then why are you testifying to it?

Mr. WILLIAMS. But I do mean to say that most of my statements that went in there did not go to the commandant, except I remember one instance where I was reported for making a misleading statement. That was taken to the commandant, and I said my statement was not misleading. I put in a statement to my divisional officer to that effect, and told him why my statement was not misleading. I can not say positively now whether that statement was accepted or not, but I know I was called into the commandant's office. He said, "There is a report against you of a very grave nature," and he told me the nature of it. I said I was not aware that I had made any misleading statement, and I positively denied having made a misleading statement; and it was not a misleading statement. It was regarding a reefer that I had in the tailor shop.

The CHAIRMAN. Do you know of your own knowledge that every communication which you addressed to the disciplinary officer was not forwarded to the superintendent of cadets?

The WITNESS. No, sir. They are not supposed to be forwarded to the superintendent but to the commandant.

The CHAIRMAN. I mean the commandant of cadets.

Mr. WILLIAMS. I know——

The CHAIRMAN. Answer the question. Do not tell me such long stories. I want to get at the meat of your statement. Do you know of your own knowledge that all of your statements sent to the officer in command were not forwarded to the commandant of cadets?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. You do not know that of your own knowledge?

Mr. WILLIAMS. No, sir.

Mr. GREGG. Mr. Chairman, you say "all." Do you not mean "any?"

The CHAIRMAN. I ask him if he does not know that all were not forwarded.

Mr. WILLIAMS. No, sir.

The CHAIRMAN. You have no knowledge of your own?

Mr. WILLIAMS. No positive knowledge.

The CHAIRMAN. Showing that every one of your communications was not forwarded to the commandant of cadets?

Mr. WILLIAMS. No, sir; I have no means of knowing that. The reason I make that statement is that in some instances I have been called to the commandant's office to explain certain things. That would seem to indicate that the communication that went to the commandant was referred back to me.

The CHAIRMAN. I do not think it indicates any such thing. I think it indicates in the one case that the commandant thinks there might be something in it to investigate, and in the others he did not. Very well, then; the regular course, is it not, in the academy is to forward your explanation to the divisional officer?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. And he sends it forward with or without comment, as he may elect, to the commandant of cadets?

Mr. WILLIAMS. I can not say as to that. My belief is it is not so, but I can not say positively.

The CHAIRMAN. You do not know?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. Were you present, Mr. Williams, at the time when it is alleged Lieutenant Snyder made some remark to an upper class man named Brainard and to some of the other class men to the effect that the fourth class lacked discipline and should be——

Mr. WILLIAMS. No, sir; I was on leave at that time, but I was present in the section room one day when he said he did not know what was the matter with the place, that he thought it had gone to the devil since he had been here, and the only thing he could attribute it to was that the upper class men did not get after the plebes enough.

The CHAIRMAN. Where was that?

Mr. WILLIAMS. In the section room of navigation.

The CHAIRMAN. When he was a disciplinary officer?

Mr. WILLIAMS. No, sir; he was an instructor in the department of navigation.

The CHAIRMAN. To whom did he make that remark?

Mr. WILLIAMS. He made it to the section.

The CHAIRMAN. What is the section?

Mr. WILLIAMS. That is all the midshipmen.

The CHAIRMAN. He made that remark to the midshipmen in the room?

Mr. WILLIAMS. In the room; yes, sir.

Mr. GREGG. What date was that?

Mr. WILLIAMS. I do not remember the date.

Mr. GREGG. As near as you can give it.

Mr. WILLIAMS. I was in his sections from the 12th of October until about the 12th of November.

The CHAIRMAN. What other men were present who are here now?

Mr. WILLIAMS. They have all graduated but Mr. Woodworth.

The CHAIRMAN. Was Mr. Garcelon there?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. Hayes?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. Roberts?

Mr. WILLIAMS. No, sir. The sections are made up alphabetically. These men were at the last end of the alphabet, the Ws.

The CHAIRMAN. Do you know any of them that are here now?

Mr. WILLIAMS. No, sir; none of them are here now.

The CHAIRMAN. The classes make a wide distinction between hazing and running; but what I term fagging—that is the performance of menial service for the upper class men——

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. During the last year there was little or no physical hazing, the last year preceding this?

Mr. WILLIAMS. There was none whatever. I was in the class of 1905 when Admiral Brownson had asked——

The CHAIRMAN. Answer the question. During the last year preceding this one there was no physical hazing to your knowledge?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. I suppose running and fagging prevailed.

Mr. WILLIAMS. There was no fagging that I know of. There was running. A plebe was not allowed to put his back to the chair.

The CHAIRMAN. You do not know of any fagging?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. Do you not know of meals being brought up to upper class men from the mess hall during the year preceding this one?

Mr. WILLIAMS. Yes, sir; I do.

The CHAIRMAN. Do you not know of windows being opened?

Mr. WILLIAMS. I know of the meals, as you mention it now.

The CHAIRMAN. Do you not know of the lower class men having duties to perform around the rooms of the upper class men during the preceding year.

Mr. WILLIAMS. No, sir.

The CHAIRMAN. Winding the clock, looking after their linen? Did you ever see anything of that kind?

Mr. WILLIAMS. Not until this year. Yes, I will take that back. I do know of an instance where a fourth class man has had to wind the clock.

The CHAIRMAN. Or perform little tasks around the rooms, perhaps voluntarily. The boys did not call that fagging?

Mr. WILLIAMS. No, sir; we never had the term fagging down here.

The CHAIRMAN. What was that called? Is there any name for it?

Mr. WILLIAMS. I do not know that there is. If it had been in my time I think it would be called running, but we never had the term fagging down here to my knowledge.

The CHAIRMAN. What are some of the different kinds of running?

Mr. WILLIAMS. Well, making the fourth class man report the dessert at the table, and tell stories, or report the current topics of the day.

The CHAIRMAN. Sending them under the table? What do you call that?

Mr. WILLIAMS. I should call that hazing, myself.

The CHAIRMAN. It is not physical.

Mr. WILLIAMS. No, sir.

The CHAIRMAN. Why would it not be running?

Mr. WILLIAMS. That would be a matter of opinion. I should regard it, if any upper class men put me under the table, as I was put under when I was a plebe, as hazing.

Mr. DAWSON. Was there any of that last year?

Mr. WILLIAMS. No, sir; not to my knowledge.

Mr. DAWSON. You say you were put under the table when you were a plebe?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. What year was that?

Mr. WILLIAMS. 1901 and 1902. I entered in May, 1901.

The CHAIRMAN. Has that practice always prevailed since your time here, since 1901?

Mr. WILLIAMS. Yes, sir; and a long time before that.

The CHAIRMAN. What is sitting on the edge of the chair at dinner? Is that running or hazing?

Mr. WILLIAMS. I should call that running; it is a custom more than anything else.

The CHAIRMAN. I suppose that has always prevailed since you came here?

Mr. WILLIAMS. Yer, sir.

The CHAIRMAN. What are some of the other forms of running?

Mr. WILLIAMS. Singing songs. I remember, in my plebe cruise, I would have to go to an upper class man's hammock and sing from taps until half an hour afterwards—play a guitar and sing songs.

The CHAIRMAN. Did you write bazoos?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. That has always prevailed since you came here? It has been a steady custom?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. What are some of the other forms of running?

Mr. WILLIAMS. The first time I got on the *Indiana*, on my plebe cruise, an under class man, a plebe, was not allowed to look an upper class man in the eye at all.

The CHAIRMAN. Is not that a rate?

Mr. WILLIAMS. Yes, sir. You were not allowed to know the names of the upper class men, and they would send you around to find Mr. So-and-so, and if you went to somebody and asked him about it you would get cussed out. Then he would send you to some other group, and they would do the same thing. Another thing was that on cold days, when we had on our sweaters, they would make us pull the necks of the sweaters up and hold them like that [indicating].

The CHAIRMAN. Has that been a steady custom here, that has always prevailed among the classes?

Mr. WILLIAMS. Yes, sir; but that was not pronounced after the time Admiral Brownson had our class give their word of honor.

The CHAIRMAN. The interpretation that the class put upon it was that that referred to physical hazing?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. That, you think, was strictly observed?

Mr. WILLIAMS. Yes, sir; I think it was. I do not know of an instance where it was not, personally.

Mr. DAWSON. What was the method of enforcing these practices on the lower class men?

Mr. WILLIAMS. Well, I must explain that. I do not believe they had any method. The under class men knew that everybody who had been here before had been subjected to the same treatment and that next year they were going to have an opportunity to do the same thing themselves, and they simply did it of their own will. That is the way I looked at it, and I think everyone did.

Mr. DAWSON. In case a boy refused to do it, would he have to fight?

Mr. WILLIAMS. He would in 1901 or 1902; or the fourth class man could go to the president of the first class and say that he refused to take running or hazing in any form, and also promise that when he had become an upper class man he would do no hazing or running.

Mr. DAWSON. Do you know what is commonly known as class fist fighting?

Mr. WILLIAMS. Yes, sir.

Mr. DAWSON. Do you know of any class fist fights during the two academic years prior to the present one?

Mr. WILLIAMS. Yes, sir; I know of a fist fight that I refereed on the cruise this summer. That was before this academic year.

The CHAIRMAN. What was the provocation in that fight?

Mr. WILLIAMS. That was a personal matter. They were two midshipmen in the same class.

The CHAIRMAN. It was not a class fight, then?

Mr. WILLIAMS. No, sir. I do not recall any class fights during that time, although there may have been some and doubtless were; but I have not any personal knowledge of that.

Mr. PADGETT. I would like to get from you, Mr. Williams, a specific statement of the demerits that you received, that you thought you ought not to have received.

Mr. WILLIAMS. Yes, sir. I can not recall them now, but if I had the book I could go over it and show you 25 demerits, according to the book, that I should not have received demerits for—offenses.

Mr. PADGETT. You think 25 would cover those that you ought not to have received?

Mr. WILLIAMS. No, sir; I do not think 25 would. I think the time I was reported for making a misleading statement that my statement should have been accepted, and that I should not have received 15 demerits for it. I did not make any misleading statement.

Mr. PADGETT. How many did you receive that you ought not to have received?

Mr. WILLIAMS. I could not say specifically. I could say if I could see the book.

Mr. PADGETT. You indicated awhile ago 25, and now you think perhaps it was more than that.

Mr. WILLIAMS. Yes, sir. The day before I was dismissed, on Wednesday, the 28th of November, I went into the clerk's office of the commandant to find out how many demerits I had. I thought

I had not to exceed 70 demerits. He told me I had 144 demerits for this month. So that will give you the number of demerits that I thought I had. I would not believe him until he got the book. I got 3 demerits on the cruise, which covered a period of three months, and 17 the month before. In my next month I got 144—in all, 171 demerits.

Mr. PADGETT. I am trying to get at how many during this month you think you ought not to have received. That is not a very long time, and it has not been very long ago—during this last November when you were dismissed.

Mr. WILLIAMS. Yes, sir.

Mr. PADGETT. During that month you received 144 demerits?

Mr. WILLIAMS. Yes, sir.

Mr. PADGETT. It was impressed upon your mind because of your dismissal. How many during that month can you indicate that were improperly given?

Mr. WILLIAMS. I can not indicate any specific number, because I can not remember the number of demerits that were assigned for the various offenses, and I can not remember all the offenses that I got demerits for, which I should not have received. If I could have the book and see, I could point out to you each instance.

Mr. PADGETT. Is not every demerit that a midshipman receives posted on the bulletin board for his inspection?

Mr. WILLIAMS. Yes, sir.

Mr. PADGETT. And he then has a number of hours afterwards in which to send in a report as to that matter?

Mr. WILLIAMS. No, sir; the demerits are not posted until after the report is sent in. For instance, if midshipmen are posted on the conduct report this morning, they have their names read out at breakfast formation. Then after breakfast formation the conduct report is posted, and it is left on the board until to-morrow morning for their inspection. Then within twenty-four hours after it is posted you put in your statement, if you choose. After that statement has gone in the demerits are posted.

Mr. PADGETT. How many did you send in after that had been posted for twenty-four hours? How many did you send in—statements protesting against?

Mr. WILLIAMS. I sent in statements protesting against a great many. I could not say how many, but a great many.

Mr. PADGETT. Can you not give some idea of how many?

Mr. WILLIAMS. No, sir; I can not. But I sent in a great many statements.

Mr. PADGETT. How did you stand in your studies for that month?

Mr. WILLIAMS. Well, I had 2.49 in boilers.

Mr. PADGETT. What did you have in mathematics?

Mr. WILLIAMS. We do not have any real mathematics. We have steam and boilers and navigation. In navigation I had about—well, I don't know—about 1.40—something like that.

Mr. PADGETT. Then what did you have in the others?

Mr. WILLIAMS. Well, in marine engineering, I can not recall, but my mark in ordnance was more than 2.4. I have forgotten what it was. I can not say specifically. I can say in boilers, if I had not been discriminated against. My first week I got 3.6 in boilers. I saw the mark.

Mr. PADGETT. Were you discriminated against in anything except boilers?

Mr. WILLIAMS. Yes, sir; in navigation and in the department of discipline.

Mr. PADGETT. So that all of the professors were discriminating against you?

Mr. WILLIAMS. No, sir; only in those three branches.

Mr. PADGETT. I say, there were three of them who were discriminating against you?

Mr. WILLIAMS. Yes, sir.

Mr. PADGETT. Can you give us any reason why any one of them should have discriminated against you?

Mr. WILLIAMS. No, sir.

Mr. PADGETT. Can you assign any cause for either one of them discriminating against you?

Mr. WILLIAMS. No; unless it was my attitude in the section room. I had an independent way. That was one reason why I was unpopular here. I went to the commandant and superintendent and talked to them like I would man to man. If you do that here you run a great chance of being reported for disrespect.

Mr. PADGETT. But that had nothing to do with your studies—the disrespect?

Mr. WILLIAMS. That had something to do——

Mr. PADGETT. That would have reference to your marking in your conduct.

Mr. WILLIAMS. I say, this instance when Mr. Snyder said he would mark me accordingly, I did not think he had a right to mark me in navigation because of what he believed to be disrespect on my part.

The CHAIRMAN. What was the month in which you had so large a number?

Mr. WILLIAMS. November.

Mr. GREGG. It started in October.

The CHAIRMAN. I have the record here.

Mr. WILLIAMS. I think it is all on one page.

The CHAIRMAN. Decker, you say?

Mr. WILLIAMS. Yes, sir; all I got from commissioned officers except in one instance when it was Mr. McVay.

The CHAIRMAN. We have here the record of your demerits. November 3 seems to be “walking in grounds with lady” during study hours.

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Guilty or not guilty?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. That is 10 demerits. That was proper?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. November 3, “late at 10 a. m., section formation.”

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. One demerit.

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. November 5, “Late at breakfast formation, 1 demerit.”

Mr. WILLIAMS. Yes, sir; that is all right.

The CHAIRMAN. November 7, “Playing musical instrument during study hours, 5 demerits.”

Mr. WILLIAMS. That is all right. I would like to find out about the demerits, whether those are the right number to give; but the offenses are all right.

The CHAIRMAN. November 8, "In corridor out of uniform, 3 demerits."

Mr. WILLIAMS. That is all right, sir.

The CHAIRMAN. November 9, "Late at breakfast formation, 1 demerit." I suppose you do not remember what caused that?

Mr. WILLIAMS. No, sir; but I remember I was late at a good many breakfast formations.

The CHAIRMAN. November 10, "Disorderly bookshelves, 3 demerits."

Mr. WILLIAMS. I had disorderly bookshelves all right, but I do not know whether that it is the number of demerits to give for it. I contest——

The CHAIRMAN. November 10, "Window tightly closed while absent from room, 1 demerit."

Mr. WILLIAMS. Yes, sir. I presume that is all right.

The CHAIRMAN. November 10, "Late, breakfast formation, 1 demerit." November 11, "Late, breakfast formation, 1 demerit." November 11, "Disorderly conduct in corridor, 5 demerits."

Mr. WILLIAMS. Which was that?

The CHAIRMAN. November 11, "Disorderly conduct in corridor, 5 demerits."

Mr. WILLIAMS. Yes, sir. I think that is the Sunday that I stated I was out in the corridor before breakfast formation; and we have a right to be out there during that time, and I put in a statement. Does it say right after that "out of uniform," too?

The CHAIRMAN. On the same day, "In corridor, out of uniform, 3 demerits."

Mr. WILLIAMS. Yes, sir. Those were two of the ones that I contested.

The CHAIRMAN. November 13, "No clothing list for November, 1 demerit." November 14, "Late, 2.25 section formation, 1 demerit."

Mr. WILLIAMS. That is right, sir.

The CHAIRMAN. November 14, "Out of uniform, 7.50 a. m., section formation,"——

Mr. WILLIAMS. Which was that one, sir?

The CHAIRMAN. November 14, "Out of uniform, 7.50 a. m., section formation," as I read it. Is that right?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. I have read it right, have I? "Out of uniform."

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. That is 3 demerits. November 14, "Not ready to receive inspecting officer"——

Mr. WILLIAMS. November 14?

The CHAIRMAN. Yes.

Mr. WILLIAMS. That is all right. That is not the day of the court-martial.

The CHAIRMAN. November 14, "Room in disorder, 3 demerits." November 14, "Out of uniform, 3 demerits." November 14, "Sitting in window, 3 demerits." That was a black day, wasn't it?

Mr. WILLIAMS. Yes, sir. I remember that very well. I was not

sitting in the window, though. I was sitting in a chair, and I had my feet up on the steam radiator in front of the window.

The CHAIRMAN. There seem to have been about 16 on that day?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. That was an off day, wasn't it?

Mr. WILLIAMS. I believe if he had not been discriminating against me I would not have had any of those demerits. Almost every day he inspected my room, and he did not inspect the rooms on either side of it.

The CHAIRMAN. This was not Lieutenant Decker, you know. This is the regular cadet officers' inspection.

Mr. WILLIAMS. That goes under his name, but Decker is the man who came in and reported my room. I do not understand that.

The CHAIRMAN. Midshipman Williamson is the one that reported it.

Mr. WILLIAMS. That is the way it goes. Decker was the officer in charge and he made the inspection. Midshipman Williamson was the midshipman in charge of that floor, and he goes around, and Decker orders these reports to be made, and they go in in Williamson's name. That is how it was.

The CHAIRMAN. Do you mean to tell me that the naval officer in charge of the building orders the cadet officers as to what they shall report?

Mr. WILLIAMS. I do; at morning inspection; yes, sir. The officer in charge goes around and he makes an inspection, and this midshipman officer of the day puts in the report. As the officer in charge would say, "Room in disorder," he would write it down after my name, by order of Lieutenant-Commander Decker.

Mr. DAWSON. Do they go around together?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. The two together at all of these inspections?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Does the naval officer have time to inspect all of the rooms in Bancroft Hall in the morning?

Mr. WILLIAMS. Each divisional officer inspects his rooms once each day; yes, sir.

The CHAIRMAN. "Late at 2.35 section formation on the 14th?"

Mr. WILLIAMS. I suppose that is all right.

The CHAIRMAN. Who would take note of that?

Mr. WILLIAMS. In some instances the officer in charge there might be present. In most instances the officer of the day, who is a midshipman.

The CHAIRMAN. The cadet officer of the day?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Then he reported that?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. The next one is "Out of uniform, 7.50 a. m., section formation." Who would know that?

Mr. WILLIAMS. The officer of the day, a midshipman in charge of the formation.

The CHAIRMAN. The cadet officer of the day?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. He would report that?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. That is not under the naval officer, is it?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. "Not ready to receive inspecting officer." Who would report that?

Mr. WILLIAMS. The officer in charge of our division.

The CHAIRMAN. What inspector is meant there?

Mr. WILLIAMS. Mr. Wiley.

The CHAIRMAN. That is, a naval officer?

Mr. WILLIAMS. I do not mean Mr. Wiley, but Mr. Decker, my inspecting officer.

Mr. GREGG. Do you controvert that three demerits for "not ready to receive inspecting officer?"

Mr. WILLIAMS. I do not controvert the charge; no, sir.

Mr. GREGG. The next one is, "room in disorder" on that day. Do you controvert that?

Mr. WILLIAMS. No, sir. It might have been in disorder.

Mr. GREGG. "Out of formation," do you controvert that?

Mr. WILLIAMS. Sir?

Mr. GREGG. "Out of uniform?"

Mr. WILLIAMS. No, sir; I might have been out of uniform.

Mr. GREGG. Now then, "sitting in the window?"

Mr. WILLIAMS. I do controvert that; yes, sir.

Mr. GREGG. That is controverted. That is what I wanted to get at, Mr. Chairman, with reference to that.

The CHAIRMAN. "Not ready to receive inspecting officer." Who makes that report?

Mr. WILLIAMS. The officer in charge.

The CHAIRMAN. The cadet officer?

Mr. WILLIAMS. No, sir; the officer in charge himself. He makes the inspection, as he always does, each morning.

The CHAIRMAN. Does not the cadet officer go around before the naval officer?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. He never goes around before, but goes around with him?

Mr. WILLIAMS. He goes around with him, sometimes; yes, sir.

The CHAIRMAN. Does he always go around with him?

Mr. WILLIAMS. Not always; but the midshipman in charge of the floor always goes around with the officer in charge; and the officer in charge is always accompanied by the three-striper in charge of the company.

The CHAIRMAN. Do not the cadet officers make a good many reports of violations of regulations independently?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. And the first the naval officer knows of it is when he receives the charge?

Mr. WILLIAMS. Yes, sir; but first class men make those inspections, and as a rule they do not inspect the rooms of the first class.

The CHAIRMAN. November 15, "Creating disturbance, marching to mess hall?"

Mr. WILLIAMS. Yes, sir; that is all right.

The CHAIRMAN. November 16, "Absent"——

Mr. WILLIAMS. How many demerits did I get for creating a disturbance marching to the mess hall?

The CHAIRMAN. Ten. That can be verified afterwards. November 16, "Absent, 9 a. m. sectional formation, 5 demerits?"

Mr. WILLIAMS. Absent 9 a. m. section formation?

The CHAIRMAN. Yes.

Mr. WILLIAMS. Yes, sir; I can not deny the charge but probably had some reason for that, and I don't know whether I put in a statement or not. I don't remember. I can't remember each date.

The CHAIRMAN. November 18: "Not accounting in writing for absence from formation." There seem to be two distinct offenses, one for being absent, and if you are absent you must report the reason for it?

Mr. WILLIAMS. Yes, sir; I remember that instance. Mr. Decker contended that I did not get it in there within the specified length of time; and I did get it in within that time.

The CHAIRMAN. You contest that, do you?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. How would you send it to him?

Mr. WILLIAMS. Sir?

The CHAIRMAN. What method would you have of sending the communication to him?

Mr. WILLIAMS. In writing.

The CHAIRMAN. How?

Mr. WILLIAMS. Like that one of Mr. Bean's.

The CHAIRMAN. How does it go to him? Do you hand it to him, or mail it to him, or how?

Mr. WILLIAMS. It is taken to his office and dropped in the slit in the door.

The CHAIRMAN. That is the regular method provided for that?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. November 19: "Bookshelves in disorder; 1 demerit."

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. November 20: "Carelessness in performance of duty."

Mr. WILLIAMS. I contest that very much, sir. He did not make any statement to me regarding that at all. I was on duty with him one Sunday. How many demerits did I get for that, please?

The CHAIRMAN. Five. November 21: "Deliberate violation of regulations; 15 demerits." November 21—Do you remember what the violation was that is charged?

Mr. WILLIAMS. I think that was one day—I think I remember what that was. One day I went to sleep immediately after dinner. That was an hour before the second recitation period. My roommate did not wake me, and I did not get to the recitation in seamanship. That is a 15-demerit offense.

The CHAIRMAN. That is all right, is it?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. November 21: "Late, sectional formation; 1 demerit." November 22: "Absent, third period of recitation; 15 demerits."

Mr. WILLIAMS. That is the one I mean. I contest that. That is the 15-demerit offense. I don't know what that other is.

The CHAIRMAN. Which one was it when you went to sleep, the second one?

Mr. WILLIAMS. That is the second one; yes, sir.

The CHAIRMAN. You do not know what that violation of regulations is that is mentioned on November 21?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. It must have been something important. It says 15 demerits. November 22: "Not ready to receive inspecting officer."

Mr. WILLIAMS. On the 22d of November?

The CHAIRMAN. Yes.

Mr. WILLIAMS. Is the next one, "Room not in order?"

The CHAIRMAN. No; the next one is, "Chair out of place," is it? Yes; there are several more of them. "Chair out of place." Is that it?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. "Wardrobe in disorder;" "Top of bookcase in disorder." Those are all on the same day—the 22d.

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. "Not ready to receive inspecting officer;" "Chair out of place;" "Wardrobe in disorder;" "Top of bookcase in disorder." You had 10 demerits on the 22d.

Mr. WILLIAMS. Yes, sir; but I contend that if he had not had it in for me I would not have been reported for all those things.

Mr. GREGG. Do you dispute any of them?

Mr. WILLIAMS. No, sir; I can not dispute any of these charges, but I can say——

The CHAIRMAN. Was your room ready for inspection?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. Your wardrobe was in disorder?

Mr. WILLIAMS. Yes, sir; to a slight extent.

The CHAIRMAN. You charge, then, it is a matter of favor with the reporting officer as to whether he will report these facts or not?

Mr. WILLIAMS. Yes, sir; if he had not had it in for me—I do not know but what my wardrobe was in disorder at the time, but ordinarily, although the wardrobe is a little out of place, although we are supposed to have each thing on a certain shelf or in a certain place, I contest that if he had not had a dislike for me he would not have reported me, especially for the chair being out of place.

The CHAIRMAN. Do you charge that if he went to the next room and found it in the same condition as yours, and did not have it in, as you call it, for the occupant of that room, that he would not have reported it?

Mr. WILLIAMS. I do not think he would, unless it was very badly in disorder. I say lots of times he came to my room and did not go to the other rooms. As a rule, they treat the first class men rather lightly. They are not as severe on them as they are on the other classes; but he inspected my room, which was the middle room, and he did not inspect the rooms on either side.

The CHAIRMAN. Then you charge that two rooms could be in a like condition of disorder, and in one case it will be reported and demerits entered, and in the other case it will not?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Do you charge that against any officer except Lieutenant Decker?

Mr. WILLIAMS. I do not, sir; but I think it might occur.

The CHAIRMAN. I know; but we want names and statements.

Mr. WILLIAMS. No, sir.

The CHAIRMAN. Do you charge that any other officer—any divisional officer that does this work—except Lieutenant Decker, would report one and not another?

Mr. WILLIAMS. No, sir. Regarding this statement, I can not state any specific instances now——

The CHAIRMAN. Regarding what statement?

Mr. WILLIAMS. The statement I have made regarding favoritism, that he would report one room and not the other.

The CHAIRMAN. Then you do not know of any instance where a room has been out of order or any other breach of discipline or violation has existed, where Lieutenant Decker has failed to report it?

Mr. WILLIAMS. I know he has inspected my room and he has not inspected the rooms on either side.

The CHAIRMAN. Do you know of any instance within your knowledge when Lieutenant Decker has failed to report a room that was in disorderly condition and where demerits should be charged against the occupants?

Mr. WILLIAMS. I can not state it now, but I could when I was at the academy. I had plenty of instances. I can not recall one now and state specific times or specific rooms.

The CHAIRMAN. I should think your interest in Mr. Decker would be keen enough so that you would recall it.

Mr. WILLIAMS. I did at the time, but I did not think anything would occur so that I would be dismissed for demerits.

The CHAIRMAN. No other officer, you state, has discriminated in his reports, to your knowledge?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. November 23, "Late, breakfast formation; 1 demerit." November 24, "Absent, breakfast formation; 1 demerit;" "Absent 8.50 a. m., sectional formation; 5 demerits." November 25, "Disfiguring table."

Mr. WILLIAMS. Yes, sir; I contest that. I did not disfigure my table. Somebody came in while I was out of the room and pasted a poster on there advertising some hair tonic. I did not know who put it there, and I did not know it was there. He came in and saw it there, and he reported me.

The CHAIRMAN. Was it your seat?

Mr. WILLIAMS. Yes, sir; I told him I did not put it there.

The CHAIRMAN. It was your room?

Mr. WILLIAMS. Yes, sir; and on my side of the table.

The CHAIRMAN. Are you or your roommate always in the room unless it is locked?

Mr. WILLIAMS. No, sir; the rooms are never locked, and we are out of the room more than half of the day. We both go to recitation at the same time.

Mr. PADGETT. Did you send any written statement as to your not doing that?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. November 27, "Talking in corridor going to recitation." That cost you five.

Mr. WILLIAMS. The offense is all right.

The CHAIRMAN. November 27, "Out of uniform."

Mr. WILLIAMS. That is all right.

The CHAIRMAN. November 27, "Wearing another midshipman's overcoat without permission."

Mr. WILLIAMS. That is one that I contest.

The CHAIRMAN. You claim you had permission?

Mr. WILLIAMS. It is a custom here, and my roommate and I had an agreement that I could wear anything of his and he could wear anything of mine.

The CHAIRMAN. Did you file a written statement of that?

Mr. WILLIAMS. No, sir; I stated it to Mr. Decker when he asked me about it. I don't remember whether I put in a written statement or not.

The CHAIRMAN. Did you file any statement from your roommate as to this agreement or permission?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. Why did you not prove your case?

Mr. WILLIAMS. It is not necessary. As a rule, they accept the midshipman's word.

The CHAIRMAN. It seems to have been necessary in this case. There are 10 demerits entered against you.

Mr. WILLIAMS. I contest that I should not have gotten that.

The CHAIRMAN. Why did you not contest it at the time?

Mr. WILLIAMS. I told him that we had a tacit understanding.

The CHAIRMAN. Why did you not submit the necessary proof and save those 10 demerits? The proof was right at your hand, and there was no trouble in stating that the agreement existed.

Mr. WILLIAMS. No, sir.

The CHAIRMAN. All you would have had to do was to make a written statement and inclose your classmate's statement, also, as to it.

Mr. WILLIAMS. But he told me at the time——

The CHAIRMAN. Who told you at the time?

Mr. WILLIAMS. Mr. Decker. He said he was going to report me, and I thought if he would not accept my verbal statement he would not accept a written statement.

The CHAIRMAN. He charges that you wore it without your classmate's permission.

Mr. WILLIAMS. Yes.

The CHAIRMAN. You say you had his permission?

Mr. WILLIAMS. Yes.

The CHAIRMAN. It did not make any difference what you said. All you had to do was to inclose the statement of your classmate as to his agreement with you and that settled it, outside of your word or Mr. Decker's.

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. That you failed to do?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Well, let us see. There are forty-seven that you contest out of the total number. What did you have on hand that month, Mr. Williams, that caused so much neglect as is indicated by these demerits that you admit are proper?

Mr. WILLIAMS. I did not have anything on hand, sir. That is the usual way.

The CHAIRMAN. You did not seem to get them in October in that way?

Mr. WILLIAMS. No, sir. He was not discriminating against me. He did not have it in for me.

The CHAIRMAN. I am leaving out those which you contest. These are the ones that you admitted.

Mr. WILLIAMS. I mean to say that if he had not had a desire to give me a great many demerits it would not have been reported. The offenses were all right, but they would not have been reported.

The CHAIRMAN. That goes back to the charge you make that he reports one and another he does not report, although they are precisely the same offense.

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Yet in all your stay here you are unable to recall a single instance of any other room being in disorder and where demerits should have been given to the occupant where it was not done.

Mr. WILLIAMS. I can not recall any specific instance; no, sir.

The CHAIRMAN. Is there any further proof that you can bring before the committee as to any specific instance where Lieutenant Decker, or any other divisional officer, has failed to assign demerits where they should have been given?

Mr. WILLIAMS. Well, I know a great many instances where midshipmen have been guilty of breaking regulations and officers have known about it and they have not been reported; but I can not recall any specific instances, any more than in those cases of fighting, where the midshipmen went to the doctor and the doctor did not report it.

The CHAIRMAN. Yes. Well, we have pretty full information about that.

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Do you know of anything else where breaches of discipline or of regulations were committed by midshipmen with the knowledge of the officers and they were not reported or demerited?

Mr. WILLIAMS. I think that is rather a hard question to answer off-hand.

The CHAIRMAN. You have been around here two or three weeks thinking this over. I supposed that you had all of these matters arranged in your mind.

Mr. WILLIAMS. Well, I have the cases relating to my own treatment in my mind——

The CHAIRMAN. The basis of your case is discrimination against you?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Now, in order to support that it would be necessary to have some proof that other midshipmen had committed like offenses and that no demerits had been given and no notice taken. That is the basis of discrimination. It is rather understood among the midshipmen that the surgeons will not report injuries caused by fighting.

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Do they feel safe in going over there and having their eyes painted, if they have been blacked in a fight?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Feeling that it will not be reported?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. The doctors seem to take the view here that that

is professional work that they are doing for their patients, and that they are not to report breaches of discipline?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Is that the view that seems to be taken?

Mr. WILLIAMS. Yes, sir.

Mr. PADGETT. If I understand you, Mr. Williams, in all these cases of demerits where you admit the offenses, you say that you committed the act?

Mr. WILLIAMS. Yes, sir.

Mr. PADGETT. But you were in the expectation that the officer would not report them?

Mr. WILLIAMS. No, sir. I expected that Mr. Decker would report them, but I know that if I had been in any other divisional officer's division a great many of those things would have been overlooked.

Mr. PADGETT. Then I understand you to say that Mr. Decker is discharging his duty more faithfully than the other officers?

Mr. WILLIAMS. I do not know as I would put it that way. I know of an instance where Midshipman Lilley was walking through the yard and the wife of Paymaster Cowie called him over to speak to her for a moment. Mr. Decker was walking with her. The only gentlemanly thing that Mr. Lilley could do was to comply with the lady's request, and speak to her. Yet Mr. Decker put him on the report for talking to a lady in the yard during study hours. He was fully aware of the nature of the case, and he had a right to use his own discretion as to whether he should report the man or not. I know, further, that he is so unpopular here, and that the midshipmen regard him as so unjust, that he was given silence in the mess hall. Every midshipman in the brigade made no sound whatever during meals, to show their dissatisfaction for the way he was treating the midshipmen at the academy.

Mr. PADGETT. But I understand, in your particular case, leaving out these which you contest, that as to all the others you admit the offenses?

Mr. WILLIAMS. Yes, sir; I admit the offenses.

Mr. PADGETT. And your complaint is that he reported them?

Mr. WILLIAMS. Yes, sir; that he reported them, and that he did not report them in the case of other midshipmen.

Mr. PADGETT. Can you give any other instances, from all your experience here at the academy, where he has failed to report a midshipman? You were complaining a while ago that he did report Mr. Lilley when you did not think he ought to.

Mr. WILLIAMS. Yes, sir.

Mr. PADGETT. Can you give a case where he did not report a midshipman?

Mr. WILLIAMS. No, sir; but I can give instances where he should have inspected other rooms. When he inspected my room he should have inspected the rooms on either side, and he did not do it.

Mr. PADGETT. When was that?

Mr. WILLIAMS. All through the month of November. He told me he was going to inspect my room, and I said I thought he ought to inspect the other rooms. He said that was at his discretion.

Mr. PADGETT. Do you know that he did not inspect the others?

Mr. WILLIAMS. Yes, sir.

Mr. PADGETT. How do you know that?

Mr. WILLIAMS. I know because the midshipmen occupying the rooms told me he did not.

Mr. PADGETT. You do not know it of your own knowledge? You know it from hearsay?

Mr. WILLIAMS. Yes, sir. I was not present in the rooms; no, sir; but I have seen him come downstairs and come into my room, and I have seen him go off and not go in either of the other rooms.

The CHAIRMAN. Lieutenant Decker was on every fourth day?

Mr. WILLIAMS. Yes, sir; but he inspected the rooms of his own division every day.

The CHAIRMAN. You were in his division?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Did any other divisional officer ever inspect your room?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. That was entirely done by him?

Mr. WILLIAMS. Yes, sir.

Mr. DAWSON. This record shows that from October 18 to November 29 you received 179 demerits.

Mr. WILLIAMS. Yes, sir.

Mr. DAWSON. One hundred and seventy-nine demerits, 47 of which you contest on the ground of not having committed the offense. That would leave 132 during that period.

Mr. WILLIAMS. But there is one other offense there that has not been read out. I think it was prior to November 4, or whatever it was when you started in.

Mr. DAWSON. I have not included that. There are 10 prior to that, which makes 189 including the 10.

Mr. WILLIAMS. Did you start in with October 12?

Mr. DAWSON. October 18 was the first one. Prior to that and up to July 17 you had 10?

Mr. WILLIAMS. Yes, sir; that was for three months.

Mr. DAWSON. That is an unusual number, is it not, for a period of about five weeks?

Mr. WILLIAMS. Yes, sir. I can also, to show that my case was an unfair one, cite the case of Midshipman Dallas, of the second class, who was unsatisfactory in three subjects one month prior to the semiannual examinations, and he was also over the limit in demerits, but he was not dropped but was allowed to continue on with his class.

The CHAIRMAN. What is his name?

Mr. WILLIAMS. Midshipman Dallas.

The CHAIRMAN. Is he here now?

Mr. WILLIAMS. Yes, sir; in the second class.

The CHAIRMAN. Was he in your division?

Mr. WILLIAMS. No, sir. There were a great many other midshipmen with the limit of demerits who have not been dropped. As a matter of fact, it is the custom not to drop midshipmen because they exceed the limit of demerits, but to deprive them of some part of the September leave.

The CHAIRMAN. Have you been in Mr. Decker's division since the beginning of the year?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. How is it he did not discriminate against you in these other months preceding?

Mr. WILLIAMS. I have been in his division since the beginning of October, but those other three months I was on the summer's practice cruise on board ship, and I was not on his ship at any time.

The CHAIRMAN. You think he has treated you with uniform fairness?

Mr. WILLIAMS. With uniform discrimination; yes, sir.

The CHAIRMAN. Uniform unfairness?

Mr. WILLIAMS. Yes, sir.

Mr. PADGETT. Is that G. M. Dallas of the second class?

Mr. WILLIAMS. I think so; yes, sir.

Mr. PADGETT. I see that for the month of October he has 18 demerits.

Mr. WILLIAMS. Yes, sir.

Mr. PADGETT. And for the month of November he has 28 demerits, making 46 demerits for the same time that you got 179?

Mr. WILLIAMS. Yes, sir.

Mr. PADGETT. The next month he had 92, and in that 92 is included, on the 18th, "Clothes smelling of tobacco, 75 demerits." Seventy-five demerits for his clothes smelling of tobacco?

Mr. WILLIAMS. Yes, sir; I know of the case of a midshipman in the class of 1905 who was reported for intoxication and introducing intoxicating liquors, and he got 125 demerits in one night, but he was not dropped.

Mr. PADGETT. Who was that?

Mr. WILLIAMS. That was Midshipman A. B. Cook. He graduated in 1905.

The CHAIRMAN. What was the limit in that year; 150?

Mr. WILLIAMS. I do not know what the limit is in the second class year. I think it is 150 for the first term.

Mr. PADGETT. Two hundred.

Mr. WILLIAMS. Two hundred for the first year, is it not?

The CHAIRMAN. Yes.

Mr. PADGETT. That includes from June, 1905. His 183 runs from June.

Mr. WILLIAMS. I would like to state that I went up to Washington to see the Secretary of the Navy, and he asked me to put in a written statement regarding my case. I had a talk with Lieutenant-Commander Terhune, who is one of my predecessors in the academy from my district, and he advised me to put in a statement saying that it was all my fault and that I was willing to acknowledge that I had been at fault, and stating that this discrimination against me was an error on my part. I put in this statement, and I went to see the President after I had seen the Secretary. I saw the President about two weeks ago. He asked me to put in a written statement regarding my case, which I did, and he said he did not feel he could take up the matter.

Mr. PADGETT. So you put in a written statement stating that the whole thing was your fault?

Mr. WILLIAMS. No, sir; I put in a written statement in order that I might be reinstated, that I had been willing to agree that I was at fault.

The CHAIRMAN. That is all, Mr. Williams.

STATEMENT OF LIEUT. COMMANDER E. H. DURELL, U. S. NAVY.

Lieut. Commander E. H. DURELL, U. S. Navy, appeared before the subcommittee.

The CHAIRMAN. Kindly state your full name to the reporter.

Lieutenant-Commander DURELL. E. H. Durell, lieutenant-commander, United States Navy.

The CHAIRMAN. Mr. Williams was not in your division, was he?

Lieutenant-Commander DURELL. No, sir; he was not in my division.

The CHAIRMAN. He was in Lieutenant-Commander Decker's division?

Lieutenant-Commander DURELL. Yes, sir.

The CHAIRMAN. There are some matters we wish to inquire about in relation to Mr. Williams, so that it will go in the record. It would be better for us to take that up with Lieutenant-Commander Decker, would it not?

Lieutenant-Commander DURELL. Yes, sir; he knows more about that than I do. What I know is mostly by hearsay.

The CHAIRMAN. You appear before the committee by order of the President and Secretary of the Navy for the purpose of giving such information as you may be able to concerning the discipline and management of the academy, especially as it relates to hazing, so that your testimony will be in the line of performance of duty.

Lieutenant-Commander DURELL. Yes, sir.

The CHAIRMAN. I do not think we need go over the field very thoroughly, as Lieutenant-Commander McVay has gone very thoroughly into your method of discipline, and all that, which we need not repeat. How long have you been assigned to this duty?

Lieutenant-Commander DURELL. I have been assigned to duty as a discipline officer since the latter part of last September. I have been here on duty at the academy longer than that. I came here a year ago last August, but the first year I was here I was on duty as an instructor in the department of English and law.

The CHAIRMAN. You are the senior member of the board of investigation?

Lieutenant-Commander DURELL. Yes, sir.

The CHAIRMAN. What year did you graduate here?

Lieutenant-Commander DURELL. I graduated in 1887.

The CHAIRMAN. Did practices called hazing and running prevail when you were here?

Lieutenant-Commander DURELL. Yes, sir.

The CHAIRMAN. To a mild degree or to a considerable degree?

Lieutenant-Commander DURELL. Well, there was no hazing of a very serious character—I mean physically. But it was very generally practiced by the upper classes toward my class when we entered in 1883.

The CHAIRMAN. And by your class, and the succeeding class?

Lieutenant-Commander DURELL. I think it was continued; yes, sir.

The CHAIRMAN. About the same as prevailed here during the last few months, except that no cases happened to occur of injury to the student—to the midshipman?

Lieutenant-Commander DURELL. There were no cases, at least I

recall no cases, of injury. There were no serious physical hazing, but there was considerable of this minor hazing, and also the kind of hazing that we call running—just asking questions, you know.

The CHAIRMAN. Ridiculing and making fun?

Lieutenant-Commander DURELL. Yes, sir; singing songs, getting on top of the lockers and singing songs—and occasionally standing on your head.

The CHAIRMAN. Were there any punishments for those offenses during your years here in the school?

Lieutenant-Commander DURELL. Yes, sir; the same punishment existed then that exists now. I think the law requiring dismissal was then in effect. If I recall it correctly, sixteen members of the class next senior to me were court-martialed and dismissed in September, 1883, for hazing members of my class.

The CHAIRMAN. Are there any changes in the methods of discipline here during the present year from last year?

Lieutenant-Commander DURELL. I think there is a very considerable change. It consists principally in having a set of four officers detailed here who shall have constant supervision.

The CHAIRMAN. Giving each one a division?

Lieutenant-Commander DURELL. Giving each one a division. That, itself, is new. That has never been done before that I know of. Previous to this, while they had regular discipline officers in the years past, these discipline officers did not have charge of divisions, but simply came on duty for a day. At that time it was less necessary, because the number of midshipmen varied from two hundred and fifty possibly at the beginning of the academic year down to sometimes less than two hundred at the end of the year.

The CHAIRMAN. So that really in former years one officer had direct charge of about the same number that he has now?

Lieutenant-Commander DURELL. Yes, sir.

The CHAIRMAN. How many are there in your division, for example?

Lieutenant-Commander DURELL. At the beginning of this year there were two hundred and twenty, about, in my division.

The CHAIRMAN. How many are there now?

Lieutenant-Commander DURELL. Now, after graduation and after those whom we expect to leave very shortly as the result of the examinations have gone, there will be about one hundred and fifty odd.

The CHAIRMAN. And that again will increase when the new class comes in?

Lieutenant Commander DURELL. That will be increased, but they really do not come in until next summer.

The CHAIRMAN. Are you enabled, by this closer association with the cadets, to keep in much closer touch with them, to tell much more closely whether they are obeying the regulations and whether they are committing violations or not, than under the former system?

Lieutenant-Commander DURELL. Very much more closely. We have supervision over them now that, I think, has never been had by the discipline officers before in the academy. We have each of us an office in Bancroft Hall, within the confines of our divisions, where we can consult daily with the cadet officers, and where we can summon any midshipman in our division and converse with him on any matter which requires our attention. We also inspect part of the rooms of the division daily, and, generally speaking, we are brought

in closer contact than I think the discipline officers ever have been brought before.

The CHAIRMAN. Do you inspect all the rooms in your division daily?

Lieutenant-Commander DURELL. Not all. There are too many. I inspect a portion daily.

The CHAIRMAN. Alternating between one portion and another?

Lieutenant-Commander DURELL. Yes; but without any routine.

The CHAIRMAN. All of them are inspected during how long a time?

Lieutenant-Commander DURELL. I divide my division into about three parts for the purposes of inspection, and visit about a third daily.

The CHAIRMAN. In case you found a tendency on the part of one midshipman to keep his room in disorder, or to fail to keep it in order, would you give special attention to that?

Lieutenant-Commander DURELL. I should report him constantly for his failure to keep the room in order, and I should send for him and speak to him on the subject—call his attention to it.

The CHAIRMAN. Would it lead to more frequent inspection, to see if he was profiting by the demerits which he received?

Lieutenant-Commander DURELL. No; I do not think I should do that, because unless a case was very extraordinary that would involve an injustice on the young man to subject him to more care, and the chance of getting a greater number of demerits than other members of the division.

The CHAIRMAN. The number of inspections of each room, then, is about the same during the month?

Lieutenant-Commander DURELL. I think it comes very closely to being the exact number.

The CHAIRMAN. Whether you find disorder or not?

Lieutenant-Commander DURELL. Yes, sir; if there was any serious disorder going on in a young man's room, and if I had reason to suspect continued smoking, card playing, or liquor there, I would subject him to unlimited inspections; but that has not arisen with me in any particular case.

The CHAIRMAN. But for minor offenses the condition of a room and wardrobe, and whether the window is shut, and those minor offenses you would not inspect them more frequently on that account?

Lieutenant-Commander DURELL. Not at all.

The CHAIRMAN. But you would if it was some grave offense like having intoxicating liquors in the room, card playing, or smoking?

Lieutenant-Commander DURELL. I should stop at nothing to satisfy myself whether he was doing right or wrong in those things.

The CHAIRMAN. If you discovered a cadet was smoking in his room, what would be the number of demerits you would report?

Lieutenant-Commander DURELL. For the first offense he would get 25 demerits; for the second offense he gets 50 demerits; for the third offense, I think, 75; and for the fourth offense 100.

The CHAIRMAN. If you discovered that his clothes smell of tobacco smoke, what then?

Lieutenant-Commander DURELL. I would report him for clothes smelling of tobacco smoke, and he would get 10 demerits, I think, for that; but I would require him to turn in any smoking material or tobacco that he had. If he had any, I would probably report him

for tobacco in his possession, which would be for the first offense, 25 demerits.

The CHAIRMAN. We find in the case of Mr. Dallas, that he received 75 demerits on December 18. The charge is "Clothes smelling of tobacco." Is not that pretty severe?

Lieutenant-Commander DURELL. It is probably a repeated offense; probably his third offense.

The CHAIRMAN. If it was the first offense, he would be given probably 10?

Lieutenant-Commander DURELL. If his clothes smelled of tobacco, and there was no evidence that he had used it, and he did not have tobacco in his possession, but had just been where there was smoking, that would be 10 demerits; but if his clothes smelled of tobacco, it would put us on inquiry, and we could inquire whether he had tobacco in his possession or not. If he had, he would get 25 demerits.

The CHAIRMAN. Might he not be where his clothes would smell of tobacco without any fault on his part? Perhaps he had been with some of the officers or professors.

Lieutenant-Commander DURELL. He would have an opportunity to make all that explanation to the commandant.

The CHAIRMAN. In all of these cases the midshipman has a perfect right to make any explanation that he may see fit?

Lieutenant-Commander DURELL. He has. They all have a perfect right to do it. The explanation is received first by the divisional officer, who reads it over and makes a recommendation. The officer reports or confers with the commandant before the demerits are assigned. They are assigned by him. His attention is called to the midshipman's statement, and if it is perfectly plain in his favor it is not necessary to go further. The commandant frequently sends for midshipmen when reports are made against them and talks with them about it. Very frequently the divisional officers do so.

The CHAIRMAN. He has a right to make it in writing?

Lieutenant-Commander DURELL. He always does.

The CHAIRMAN. Can he not talk with you personally?

Lieutenant-Commander DURELL. He can, or he can go and see the commandant.

The CHAIRMAN. But the proper way is to put it in writing?

Lieutenant-Commander DURELL. He is required to place it on file there.

The CHAIRMAN. Whether he talks to you or not?

Lieutenant-Commander DURELL. Yes.

The CHAIRMAN. He sends it to the divisional officer?

Lieutenant-Commander DURELL. Yes, sir.

The CHAIRMAN. What does the divisional officer do with it?

Lieutenant-Commander DURELL. Each morning we take the conduct sheet and check all the statements or excuses. We read over the statements and consider them and mark them "Accepted" or "Not accepted." If the statement is accepted, the midshipman receives no demerits. If it is not accepted, we put down the number of demerits he should receive on the schedule, except in serious cases we put "R" there and take it to the commandant and show it to him with the excuse, stating the conclusion we have arrived at about it.

The CHAIRMAN. Are the letters forwarded in all cases to the commandant?

Lieutenant-Commander DURELL. Yes; in all cases.

The CHAIRMAN. Whether they are light or serious?

Lieutenant-Commander DURELL. Yes; every one is kept on file, I think, in the commandant's office for future reference.

Mr. DAWSON. I would like to ask this: Are these inspections of the rooms made for the sole purpose of discovering violations, or for the purpose of commendation and direction to the new classmen particularly—the new cadets?

Lieutenant-Commander DURELL. In the regulation book it is prescribed exactly where every article of property of the midshipmen shall be kept, how the room shall be swept, how the bed shall be placed, and all that. The regular room inspection, as we call it, takes place every morning about 10 o'clock by the divisional officer. At this time we inspect more particularly to see that everything in the room is in order and in accordance with the regulations. At that time of the day we make such little reports as "Room not carefully swept," "Bed not neatly made," "Crockery dirty," "Spots on mirror," "Spots on floor"—little things of that sort—mostly little things for which they receive 1 demerit. At that time of the day the midshipmen know that an inspection will be made, and have their rooms in very good order. At any other times during the day the rooms may be inspected by the officer in charge, at his discretion, to discover any kind of violation. Most of us have our own times and ways of doing it. I think each discipline officer does it in a certain way, which the midshipmen more or less quickly recognize. For instance, during the evening I always go to every floor in the building in each wing and step into a number of rooms on each floor. I open the door and say, "Good evening, gentlemen," and look into the room to see that there is nobody visiting there and there is no evidence of the use of tobacco. Then I go along the corridors, and if I hear any noise in a room during study hours I go there to see if everything is all right.

Mr. DAWSON. I do not think you have caught my question properly. Do you inspect the rooms solely to find infractions of regulations, or do you have in mind the purpose of direction—that is, commendation to those who are living up to the regulations, and direction to the new cadets who are not familiar with the regulations?

Lieutenant-Commander DURELL. Well, I go principally for the purpose of discovering infractions of regulations. The new midshipmen enter at present in the summer time. For instance, they entered last summer in July, and the discipline organization of the school did not commence until the middle of October. I fancy that during the first two weeks they are here they are given every opportunity to get things straightened out. They are given lectures daily by the officers in charge on duty about these regulations, and told how they should arrange their rooms; but unless the rooms are very fine and attract attention it does not call for commendation.

The CHAIRMAN. Under this new order of discipline, and with this close association by the disciplinary officers, how is it possible that the great amount of hazing which your investigation showed took place entirely escaped the attention of the disciplinary officers?

Lieutenant-Commander DURELL. Because it was carried on with the greatest secrecy, and at times when the disciplinary officers could not be about—when it was known that the discipline officers were

engaged at some other place. In my inspections from the time the school opened until the time the investigation began, when hazing stopped, I did not find a single case of hazing, and my attention was not called to anything of that sort. As a matter of fact I did not really believe it existed.

The CHAIRMAN. Did you know that the pledge by the classes given to Admiral Brownson had been released?

Lieutenant-Commander DURELL. In a general way I had heard it spoken of and stated that when he went away they had been released from this pledge.

The CHAIRMAN. I should think that that would have put you on your guard about hazing.

Lieutenant-Commander DURELL. We were on our guard.

The CHAIRMAN. You say you did not think any existed. Therefore I supposed you were not looking for it very much.

Lieutenant-Commander DURELL. I did not think it existed, but whenever I made inspections I always in, a way, had it in mind. I never saw any evidence to confirm me in any idea that it did exist.

The CHAIRMAN. When the boys are required to hang from the locker, do not their heels make marks on the side of it?

Lieutenant-Commander DURELL. None that I have noticed.

The CHAIRMAN. Their heels do not touch it?

Lieutenant-Commander DURELL. They put their feet out at right angles from it.

The CHAIRMAN. But in getting up, I imagine some of them would be clumsy and knock against the side of it. Class fighting exists as a method of enforcing hazing and rating regulations?

Lieutenant-Commander DURELL. Yes, sir; that is my belief.

The CHAIRMAN. Have you ever given any attention to the cases that go to the hospital indicating fighting, which might be class fighting?

Lieutenant-Commander DURELL. There have been no such cases within my knowledge except in the Meriwether-Branch affair. That received attention.

The CHAIRMAN. I suppose most of the students that engage in a fight go to the sick quarters for one purpose or another—to have an eye painted, or a lip sewed up, or to have more serious injuries attended. Do these facts come to the attention of the disciplinary officers?

Lieutenant-Commander DURELL. They would not. A boy might have a fight and go to the hospital and have anything whatever done to him, as far as we would know.

The CHAIRMAN. Why should that source of information be neglected?

Lieutenant-Commander DURELL. The sick report is made by the surgeon at the hospital. One copy stating the injuries and the diseases——

The CHAIRMAN. We are familiar with the records there.

Lieutenant-Commander DURELL. We have simply a list of the names come to us. We do not see the other details.

The CHAIRMAN. That still leaves the question unanswered. Why do not the disciplinary officers have the benefit of this knowledge, as a means of detection?

Lieutenant-Commander DURELL. The commandant has it. He is

the head of the department of discipline, and he has that information. It has never been furnished to the others. The report, I believe, is generally considered a confidential document—the one which has the diseases and things of that sort. It comes from the surgeon to the superintendent, and the other copy to the commandant.

The CHAIRMAN. Do you mean if a boy comes in with a couple of black eyes, or a broken jaw, or contused nose, or something of that kind, that it is confidential on the part of the doctor?

Lieutenant-Commander DURELL. Yes, sir. I mean what I said before, that the sick report, which has the nature of the injury, goes to the senior officers only.

The CHAIRMAN. Is such an injury as that considered to be of a confidential nature?

Lieutenant-Commander DURELL. I think the surgeons consider that the maladies from which different patients are suffering is more or less confidential; yes, sir. That information is supplied only to the senior officers. It is the same way on board ship.

The CHAIRMAN. Are the surgeons, under the regulations, made a part of the disciplinary force of the academy?

Lieutenant-Commander DURELL. No, sir; there is no surgeon attached to the department of discipline. He has charge of drills in the gymnasium, but he does not have anything to do with the discipline.

The CHAIRMAN. Look at rule 12, of the Naval Regulations, and see if that applies to surgeons.

Lieutenant-Commander DURELL (after examining the section referred to). I consider that it applies to surgeons the same as to anybody else here.

The CHAIRMAN. It makes them a part of the force?

Lieutenant-Commander DURELL. Yes, sir.

The CHAIRMAN. Then if indications of violations of the rules appear in the surgeons' department by reason of students going there with injuries which indicate that they have been engaged in fighting, is it not the duty of the surgeon to report that fact?

Lieutenant-Commander DURELL. I should say it would be under a strict interpretation of that rule.

The CHAIRMAN. Not under a strict interpretation, but a plain, ordinary interpretation of it. It would not have to be a strict interpretation, would it? A boy comes in with a black eye and with very strong evidence of having been engaged in violating the rules. That comes to the knowledge of the surgeon, of course, the same as it might come to the knowledge of one of the professors in a class room. The case would be no different because he is a surgeon, would it? He should report the knowledge?

Lieutenant-Commander DURELL. The surgeon might not make any inquiry about how the boy received the injuries at all, sir.

The CHAIRMAN. Why is it not a matter of serious negligence and failure to take advantage of one of the easiest and surest sources of information for the detection of violations?

Lieutenant-Commander DURELL. It certainly offers a source for detecting them. I suppose they have felt that their duty was confined more or less to ministering to the injuries of the people without investigating the cause of their injuries, except, possibly, in serious cases.

The CHAIRMAN. Their duty there, I suppose, is governed by the Naval Regulations, or the regulations of the academy, and by orders that are given them from day to day by the superintendent

Lieutenant-Commander DURELL. Yes, sir; undoubtedly.

The CHAIRMAN. If the superintendent directs them to report to him evidences of fighting which come to their notice, it would become a part of their duty, if it was not in the regulations, as it is?

Lieutenant-Commander DURELL. Yes, it would; undoubtedly.

The CHAIRMAN. Would you think that in the future enforcement of discipline here that is a source of information which ought to be used more extensively than it has been?

Lieutenant-Commander DURELL. Yes, sir; I think it would be. I think it would lead to the discovery of fights.

The CHAIRMAN. What is the reason that six months from now, when the excitement over hazing and the fear of the result which is now before most of the boys' minds has worn away, that they can not practice hazing again, secretly, as they have in the past few months, and escape your attention?

Lieutenant-Commander DURELL. Because when the superintendent ordered this board of investigation and obtained from the Secretary of the Navy the power for that board to administer oaths, and when he decided to keep that board in session and to have it meet at irregular and unexpected intervals, and examine a number of the lower class men to discover whether or not there is hazing, he made use of the most powerful instrument, I think, there is; and the prevention and discovery of hazing will come from the investigations of that board.

The CHAIRMAN. It will be kept organized? The organization will be maintained right along from now on?

Lieutenant-Commander DURELL. Yes, sir; the superintendent has said that he intends to keep that board in session.

The CHAIRMAN. To meet at irregular intervals? The board will assemble at irregular intervals, and they will examine cadet officers?

Lieutenant-Commander DURELL. They will call in fourth classmen; yes, sir.

The CHAIRMAN. You will put them under oath, and cover the period since the last meeting?

Lieutenant-Commander DURELL. Yes, sir. That board has great power, as perhaps you may have discovered in reading the testimony. It differs from most naval courts of inquiry, because, for instance, a court of inquiry, which is a sort of board, allows the accused to appear with an attorney, and he can ask questions and stop the proceedings and lengthen them indefinitely, whereas this board can get to business.

The CHAIRMAN. We understand that. How do you account for the breakdown in the discipline of the academy which is evidenced by the fact that the cadet officers have entirely failed to report these violations, and, further, that a code of honor seems to have grown up among them whereby they feel bound to shield classmates rather than to observe their oaths given when they entered the academy and their duties as cadet officers? How do you account for that?

Lieutenant-Commander DURELL. It is a matter of a considerable length of time for those midshipmen to arrive at the condition in which we found them. There has always been, and is now, a very strong sentiment among midshipmen against reporting their own

classmates. They dislike to do it for reasons which are more or less obvious, I think; but after the number of midshipmen at the academy was increased so largely the number of officers was not correspondingly increased, and the services of all the officers here were required for the purposes of instruction. So that the department of discipline for a number of years had no officers regularly assigned to it, and officers from the department of seamanship and gunnery went down there about once in ten days and performed the duty of officer in charge. They also had, in addition to that, to attend recitations and drills during the time they were on duty, so that for a considerable part of their time they were away from the building when they were on duty. In addition to that, they felt, possibly, that they had other and more serious duties in their department, learning lessons and instructing; and besides that, they did not go there often enough to familiarize themselves with the midshipmen. Last year the officer in charge remained on duty in what we used to call the old quarters—the building that was destroyed this summer up here. Part of the midshipmen were quartered in the two annexes, which have recently been torn down. The latter part of the year they sent one-half of the brigade down to Bancroft Hall, where they lived in one wing. There was nobody there to keep them straight, except the midshipman officer of the day. It gave them an opportunity to carry out their own ideas of discipline. With all these midshipmen here by themselves they were bound to make rules for themselves, and I do not think the rules of the academy were enforced. I suppose those who had the matter under control believed the services of the officers were more necessary for the purpose of instruction in the different departments, possibly, than they were as discipline officers. But these midshipmen, being comparatively free from supervision of the officers, were able to build up and to maintain this code among themselves, whereby they established for each class a certain set of privileges which they called rates.

The CHAIRMAN. Have you or, to your knowledge, any of the other disciplinary officers that have been here during the present school failed to report any violations of the rules—failed to report any fights there, class fights or personal fights, which came to their attention?

Lieutenant-Commander DURELL. No, sir; I had not the inclination to do so.

The CHAIRMAN. What is your personal opinion of the system of hazing and running? Do any benefits whatever grow out of it to the midshipmen?

Lieutenant-Commander DURELL. No, sir.

The CHAIRMAN. You think there are no redeeming features in the practice?

Lieutenant-Commander DURELL. There are none. We found from the fact laid before that board of investigation that the fourth class men were required to submit to hazing. Any upper class man who undertook to haze a fourth class man who objected was obliged to carry that matter through to a finish; otherwise he was in decidedly ill repute with his own class. If a fourth class man were of a high-strung temperament and would not submit to hazing—if a third or second class man started to haze him and he was rebellious, that third or second class man had to carry the matter through, no matter what happened. The fourth class man had to be downed, and the upper class

man had to be victorious, if it took the whole strength of the upper class to do it. If one could not do it, they would have all the upper class do it. It resulted in a system of terrorism down here that was a surprise to me. There was no such thing in my days, as that cooperation among the upper classes. The condition, to my mind, was utterly bad.

The CHAIRMAN. Are you confident that with the system of discipline which prevails now, and with your board of investigation as a weapon in your hands, hazing can be entirely suppressed here?

Lieutenant-Commander DURELL. No; I do not think——

The CHAIRMAN. I mean as a system?

Lieutenant-Commander DURELL. There will be sporadic, irregular cases, but it can be; yes, sir.

The CHAIRMAN. As a system, you do not think it can exist?

Lieutenant-Commander DURELL. No, sir; I do not—not as long as the present superintendent, with his ideas and the assistance he gets from the commandant, is here to carry out those ideas. It is done away with, but I do not have any strong feeling that it may not break out again under a different system, a few years later. It seems to exist in the air of this place.

The CHAIRMAN. Do you think that hazing practices which do not result in injury or danger to the lower class man who is hazed, but which are more in a spirit of fun, should be punished by dismissal from the academy, or should a lesser degree of punishment be imposed?

Lieutenant-Commander DURELL. If they were simply isolated cases, where one boy had a little fun with the other boy, it might be safe to say that a lesser punishment would suffice; but when I discover the state of affairs which did exist here this fall, and when I see that the law passed by Congress which makes dismissal the punishment for hazing has had no deterrent effect, I can not exactly see why substituting a lesser punishment should be expected to have a better effect.

The CHAIRMAN. The definition of hazing as used by your board, and by the courts-martial, was so framed as to cover the slightest offenses. Is it your opinion that the three or four hundred boys here who are involved, some of them in a very slight degree, should all be dismissed?

Lieutenant-Commander DURELL. I should dislike very much to see that.

The CHAIRMAN. Or would you say that a large number of them fell into a system without a realization of the fact that it was contrary to law of the land; that they had been released from their word of honor which had been given, and to some extent considered that as a license on their part, or as a justification on their part, for these practices? Would you not say that a lesser degree of punishment in those cases, where there was no cruelty, no meanness, would be more appropriate if you were making the law yourself?

Lieutenant-Commander DURELL. It almost seems so to me, because as I say very frankly, I should not like to see any very large number of the midshipmen dismissed; but, I would be almost willing to see the law remain as it is, in my personal opinion, if these boys could escape this time, and to still keep that law. I do not see how you can palter with hazing. I do not think you can say running or fagging may have a certain punishment, and standing on the head shall have

another. They both involve humiliation. Perhaps one involves it more than the other, but where a strict law has been found ineffectual, I do not see how we can hope to get better results with a law that is not so strict.

The CHAIRMAN. Is it not sometimes true, not only here, but in the courts of the country, that a law which is unduly severe defeats its purpose?

Lieutenant-Commander DURELL. Yes, sir; because it can not be carried out.

The CHAIRMAN. And that the jurors are unwilling to convict where the punishment seems to be entirely disproportionate to the offense? If stealing apples off of a stand was punishable by State's prison for life, I imagine it would be very difficult to have a boy convicted who should commit that offense.

Lieutenant-Commander DURELL. I should suppose that that law would be promptly repealed.

The CHAIRMAN. Yes. If the law left it in the discretion of the authorities here—with the superintendent, with the approval of the Secretary of the Navy, or directed the superintendent to convene a court-martial in these cases of hazing, and inflict either the maximum penalty of dismissal, or a less penalty as they might deem just—would not that strike you as a more equitable system than one which puts all classes of hazing under a sweeping term involving the slightest infraction of the rules, on the same plane of punishment?

Lieutenant-Commander DURELL. Yes, sir; I think I can say that that would seem to be a more just law.

The CHAIRMAN. Can you think of any worse violation, any more demoralizing violation of your rules here than the bringing of liquor into a room?

Lieutenant-Commander DURELL. That is about as bad as anything we can have. It is likely to result in all kinds of disorder.

The CHAIRMAN. It is likely to result in as bad a state of discipline as anything else?

Lieutenant-Commander DURELL. Yes, sir.

The CHAIRMAN. Yet you would not favor punishing a first offense by dismissal, although you might if it were persisted in. In that case you would say that for the benefit of the academy the cadet ought to go?

Lieutenant-Commander DURELL. I should have no objection to seeing dismissal for the first offense for that thing. It is considered about as bad a thing as you could do here by a large number of people in this country—I mean the use of liquor by young men.

The CHAIRMAN. Yes. Suppose we should get a law permitting graded punishment. For instance, a cadet is found to be guilty of some slight infraction or violation of the rules relating to hazing. He requires an under class man to sit on the edge of his chair at dinner—not an exceedingly serious offense, and something involving no particular hardship to the lower class man, and something that is not especially humiliating. The divisional officer detects him and inflicts upon the upper class man requiring it 50 demerits. That would be a pretty severe warning to him to discontinue even the mildest types of hazing?

Lieutenant-Commander DURELL. Yes, sir; that is a severe punishment.

The CHAIRMAN. The next offense, even if it is of the slightest character, would give him, say, another 50 demerits. The maximum is 150 for the first class?

Lieutenant-Commander DURELL. For the first class they may receive 150 demerits in a year.

The CHAIRMAN. That puts that young man in a position where during the balance of the year one more case of hazing, even a slight case, will entitle him to dismissal. Would not that be a more equitable system than that by which for the first infraction a court-martial is to be convened and by which, if he be found guilty of making a lower class man sit on the edge of his chair at dinner he shall be taken out of the academy? Perhaps a valuable officer may be lost to the service in that way, and many thousands of dollars that have been invested in him up to that date lost to the Government?

Lieutenant-Commander DURELL. Possibly it might be; yes, sir. But I do not know that this law which is at present in force was advocated particularly by naval officers. It was passed, I believe, by Congress at a time when they were incensed at hazing.

The CHAIRMAN. Passed, perhaps, in a fit of passion caused by some violent case of hazing?

Lieutenant-Commander DURELL. Yes, sir. I think we can carry on good discipline with whatever law you see fit to give us. It seems so to me.

The CHAIRMAN. I do not know that I have anything else to ask. Have you, Mr. Dawson?

Mr. DAWSON. Commander, you were here during all of the last academic year?

Lieutenant-Commander DURELL. Yes, sir.

Mr. DAWSON. But not in the discipline department?

Lieutenant-Commander DURELL. No, sir; I was in the department of English and Law, where I was an instructor.

Mr. DAWSON. Were you familiar, in a general way, with the discipline of the academy?

Lieutenant-Commander DURELL. Only in a very general way, because the instructors do not have drills, and I had none. I met the midshipmen only in passing through the yard and in the section rooms. I was rarely, if ever, in the midshipmen's quarters. I had nothing to call me there, and such information as I had was only gained in the course of conversations, perhaps, out in the mess here with other officers.

Mr. DAWSON. Can you tell me what the general understanding during the last academic year was with regard to the definition of hazing?

Lieutenant-Commander DURELL. I can give you such information as I gained on the board of investigation. The midshipmen stated, and they have told me this fall, that their understanding of the hazing that they were pledged not to do included physical hazing only. Whether that definition of hazing was sanctioned wholly by the authorities I can not really say. But that is the way they accepted it—physical hazing.

Mr. DAWSON. Did you know, during the last academic year, that the practices of running or fagging prevailed at the academy?

Lieutenant-Commander DURELL. I did not know it, sir.

Mr. DAWSON. But that was developed quite conclusively by your board of investigation?

Lieutenant-Commander DURELL. Very plainly, sir.

Mr. DAWSON. Was that practice in as prevalent use during the last academic year as it was during the present academic year?

Lieutenant-Commander DURELL. I believe it to have been; yes, sir. We have stated in one of the conclusions in the board of investigation that we believe that aside from a little physical hazing the lot of the midshipman during the present year and up to the time the board had its sittings was no more uncomfortable than during the preceding years. I refer to the fourth class men, of course.

Mr. DAWSON. Under the definition of hazing as it is at present understood by the discipline officers of the academy the practice of running and fagging is considered in the same light as physical hazing?

Lieutenant-Commander DURELL. Yes, sir. We adopted that definition when the board met. We were ordered by the superintendent to find out all about hazing, and in order to find out all about it we adopted that definition of hazing for our own use. Nobody else had to adopt it, but we adopted it. We told the witnesses when they came before us that for the purposes of our investigation hazing included not only physical hazing, but running or fagging; or being obliged to carry out involuntarily any act in obedience to an unauthorized order. We wished to leave nothing out, but to develop everything there was. We put these young men under oath in the effort to lay the whole thing bare.

Mr. DAWSON. Was your definition of hazing framed on any advice received from the Attorney-General of the United States?

Lieutenant-Commander DURELL. No, sir; we had no consultation with him, but I got a large part of my ideas about that definition from the definition in the regulations of the United States Military Academy, which goes into the matter very much more fully than anything else I had seen.

Mr. DAWSON. Did your board ever have a definition of hazing from the legal department of the Government?

Lieutenant-Commander DURELL. No, sir.

Mr. DAWSON. It is evident, then, to my mind, that there has been a change in the definition of the word "hazing."

Lieutenant-Commander DURELL. I think so myself.

Mr. DAWSON. I find in the report of the superintendent of the academy for the last academic year this statement:

No case of hazing has occurred during the past year—that would be the year ending June 30, 1905?

Lieutenant-Commander DURELL. Yes, sir.

Mr. DAWSON. Under the present definition of hazing you found about as much running and fagging during the last academic year as you have during the first academic year?

Lieutenant-Commander DURELL. We did not investigate much into the last academic year. We had a few upper class men—Mr. Chantry, who stood No. 1 in his class, and Mr. Campbell, now in the fourth class, who was turned back, and I think one or two other midshipmen gave us this information. But we did not take any upper class men and have them testify as to what happened last year. We got this knowledge more or less incidentally.

Mr. DAWSON. Have you any general knowledge of the prevalence of class fighting during the last academic year?

Lieutenant-Commander DURELL. No, sir; I have not. I was on the board which investigated the Branch-Meriwether fight the morning after the fight occurred and before Mr. Branch died.

Mr. DAWSON. What I mean is, being here during the last academic year in the capacity of an instructor, was it a matter of common knowledge among you that class fighting was being indulged in to a greater or lesser degree?

Lieutenant-Commander DURELL. No, sir; I do not remember of hearing of any cases. I do not recall any case at all.

Mr. DAWSON. As one of the divisional officers it is a part of your duty to eat your meals in the mess hall every fourth day, I believe, is it not?

Lieutenant-Commander DURELL. Yes, sir.

Mr. DAWSON. Have you, in the performance of that duty, discovered any evidences of hazing in the mess hall?

Lieutenant-Commander DURELL. None whatever, except a general custom that the fourth class men had of sitting upright at the table. I did not notice that for a considerable time—but nothing else.

Mr. DAWSON. It did appear from the testimony that was taken by this board of investigation that these cases of putting boys under the table occurred in the remote corners of the mess hall?

Lieutenant-Commander DURELL. They did, almost entirely, where I could not have seen it. If we had suspected it, we could not have seen it. I will say, however, that we were slow witted enough not to suspect it. I never heard of such a thing until it came out in the early part of the investigation.

Mr. DAWSON. When were all of the midshipmen quartered in Bancroft Hall? Do you remember the date?

Lieutenant-Commander DURELL. You mean last year or this year?

Mr. DAWSON. This year.

Lieutenant-Commander DURELL. The fourth class was quartered there during the summer, and upon the return of the midshipmen from leave about October 14 or 15 they all took their rooms in Bancroft Hall.

Mr. DAWSON. You stated a while ago that the new midshipmen during the course of their first two months in the academy were given occasional instructions regarding the regulations?

Lieutenant-Commander DURELL. Yes, sir.

Mr. DAWSON. How frequent were those and of what nature?

Lieutenant-Commander DURELL. They took place, I think, daily, at about 2 o'clock p. m. In the summer time they had no active drills until 3 p. m. on account of the heat. But about 2 p. m., I think, daily, they were sent down in the mess hall, and the officer in charge instructed them about the general naval rules and regulations, and also instructed them about the rules and regulations of the Naval Academy. That was kept up for a number of weeks until the subject was worn so threadbare that the officers said there was nothing left to talk about to that class and asked, I think, to have it discontinued. That went on in the latter part of July, August, and part of September.

Mr. DAWSON. I understood a temporary order was issued preventing upper class men from visiting the rooms of fourth class men during a certain period. Was that before the school year opened?

Lieutenant-Commander DURELL. Yes, sir; that was during September.

Mr. DAWSON. Could you get us a copy of that order; or is it a part of your records?

Lieutenant-Commander DURELL. We hunted for that order in order to produce it before the general court-martial which was sitting here, and I think the only copy we found of it was a memorandum to that effect, which is in a memorandum order book belonging to the officers in charge, in Bancroft Hall. That is the best of my recollection.

Mr. DAWSON. Were the new cadets thoroughly instructed regarding the law of the land respecting hazing, do you remember?

Lieutenant-Commander DURELL. I was not on duty during the summer, except for a few days in September, and I did not deliver any of those lectures myself. I only know the general tendency of the lectures, so I can not answer your question specifically.

Mr. DAWSON. Do the new midshipmen feel pretty free to consult the divisional officers in case of anything they do not understand, or any trouble they get into?

Lieutenant-Commander DURELL. I hope they do. We have a very broad order from the superintendent and from the commandant to have the midshipmen consult us in regard to any matter. We are not only there for discipline purposes, but to aid them in any way we can, and to give them instruction on any point—matters of etiquette or anything of that sort that they wish to know about. It is considered part of our duty. But they do not consult us very much. Occasionally one comes in and has something that he has not been able to settle for himself, and we try to help him out.

Mr. DAWSON. For my own information I would like to ask you as chairman of the board of investigation, how you compel witnesses to give incriminating evidence. Did you meet that point in your deliberations?

Lieutenant-Commander DURELL. We did not compel any witness to give any incriminating evidence. We had a few upper class men before us whom we knew were involved in hazing. We had them testify with regard to matters which did not concern themselves, and we told them that they need not give any evidence which would incriminate themselves.

Mr. PADGETT. I would like to ask you a question or two, please. Under the general plan of discipline in the academy, does not the maintenance of discipline and the suppression of hazing depend very largely upon the proper discharge of their duties by the cadet and petty officers?

Lieutenant-Commander DURELL. Yes, sir; it does.

Mr. PADGETT. What assurance have you that these officers in the future will discharge their duties more thoroughly than they have in the past?

Lieutenant-Commander DURELL. The action of the superintendent here with regard to the general question of discipline in this academy has brought about a state of affairs that is a revolution almost from what has previously existed, and has, I think, succeeded in impressing upon the cadet officers and petty officers the fact that duty is duty, and that they are to carry on their duty in all respects without fear or favor; that they are not only to do their best to observe the regulations themselves, but that they are to report infractions of all kinds; and they have announced to him in response to an inquiry from him

as to whether or not they intended to do their duty that they did intend to do their duty conscientiously. We have to place a certain amount of faith in their good intentions, which I think will be justified.

Mr. PADGETT. Do I understand that you have been instructing these cadet and petty officers more specifically in the matter of their duties?

Lieutenant-Commander DURELL. They have been so instructed by the commandant and by the superintendent, and in quite a number of cases by the divisional officers who have had serious talks with them.

Mr. PADGETT. I will ask you if it has not been one cause of serious trouble heretofore that cadet and petty officers have failed to realize or to appreciate properly the obligation that has rested upon them to discharge without fear or favor the duties that have rested upon them as such officers?

Lieutenant-Commander DURELL. I think that is so; yes, sir.

Mr. PADGETT. And I understand that the discipline officers now are trying to overcome this by a more thorough instruction and impression of their duty upon these officers than has heretofore been the case?

Lieutenant-Commander DURELL. Yes, sir; that is so, too.

The CHAIRMAN. That is all, commander. If we have anything else that occurs to us and that we want to ask you about, we will ask you to be kind enough to come in again.

The subcommittee (at 12.50 o'clock p. m.) took a recess until 2 o'clock p. m.

After recess the subcommittee reassembled at 2 o'clock p. m., Hon. E. B. Vreeland in the chair.

STATEMENT OF MIDSHIPMAN ARTHUR ALTON GARCELON, U. S. NAVY.

Midshipman ARTHUR ALTON GARCELON, U. S. Navy, having been first duly sworn, testified as follows:

The CHAIRMAN. What is your full name?

Midshipman GARCELON. Arthur Alton Garcelon.

The CHAIRMAN. From what State were you appointed?

Midshipman GARCELON. The State of Maine, sir.

The CHAIRMAN. What district?

Midshipman GARCELON. The Second district, sir.

The CHAIRMAN. Mr. Garcelon, you and Mr. Hayes and Mr. Roberts are at present detained upon charges?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Which have not as yet been presented to you.

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. In any questions which we may ask this afternoon we shall not want to touch upon any personal conduct of any of you three gentlemen, and anything which may be inadvertently put down that would have any bearing upon your cases will be stricken out of the testimony. That is, we are here investigating the general conditions of the management and discipline of the academy, especially as they relate to hazing, with no intention or desire of inquiring into any cases that are now or may be hereafter likely to receive the attention of the authorities. So we will strike out anything that may be inadvertently brought out bearing upon that matter.

Mr. PADGETT. You might also state that he need not state anything that would incriminate himself.

The CHAIRMAN. We will strike it out, so that there will be absolute freedom in answering the questions.

You belong to the class which has just graduated?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. You have been here, therefore, nearly four years?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Your first year, then, was 1901 or 1902?

Midshipman GARCELON. 1902, in the fall, sir.

The CHAIRMAN. Were you hazed much during your freshman year?

Midshipman GARCELON. I was what they call "run."

The CHAIRMAN. Yes.

Midshipman GARCELON. I presume now that it would be called hazing.

The CHAIRMAN. It is now called hazing?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. What hazing practices or running practices prevailed—in 1902, did you say?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. What names did they give to them in those days?

Midshipman GARCELON. Well, there was the standing on the head, the sixteenth, the hanging on the locker——

The CHAIRMAN. The leaning rest?

Midshipman GARCELON. Well, they had something that was not in the drill tactics then, but it amounted to the same thing, sir. It amounted to the same thing as the leaning rest now. Then there was the rabbit dance and hanging on the locker.

The CHAIRMAN. Practically the same line they have now, then.

Midshipman GARCELON. I presume so, sir: yes.

The CHAIRMAN. Did the practice prevail during your fourth class year of having the members of that class perform services for the upper class men, such as bringing up food from the mess room and taking care of their rooms to some extent—opening windows, winding up the clock, or looking after their clothes, or any services of that kind? Did that prevail while you were in your freshman year?

Midshipman GARCELON. Yes, sir; some of that did. I do not remember of anybody having to bring up food from the mess hall, sir, but the other things I remember.

The CHAIRMAN. What did they call that? Did they have any term for it?

Midshipman GARCELON. It just simply came under the general term of "running." That is the way we understood it, sir.

The CHAIRMAN. The term "fagging" was not used here?

Midshipman GARCELON. No, sir.

The CHAIRMAN. And never has been used as applied to that?

Midshipman GARCELON. I have never heard of it; no, sir.

The CHAIRMAN. All those forms or practices are now called hazing, I think, under the definitions of the Attorney-General. These practices, such as you have described, performing little services for upper class men, and what you term rating, and what you term running, have prevailed pretty uniformly ever since you have been here?

Midshipman GARCELON. They have in a slight way; yes, sir.

The CHAIRMAN. I do not refer now to physical exercises called

hazing, but to the practices of running, performing services for upper class men, etc. That has prevailed here during each of the years since you have been here?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Did they send them under the table in your first year?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. What did they term that—running?

Midshipman GARCELON. That was considered running; yes, sir.

The CHAIRMAN. Has that ever been considered as hazing under the boys' definition of it?

Midshipman GARCELON. I have not heard it was considered so.

The CHAIRMAN. Last year, when your agreement against physical hazing was in force, I suppose sending under the table and sitting on the edge of the chair at meals would not be considered physical hazing. That would be termed running?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. There has been no great difference from year to year about the amount of what is called running?

Midshipman GARCELON. Why, I don't think there has been so much lately as there used to be, sir. It has greatly diminished since my first year.

The CHAIRMAN. You say lately. What do you mean? The last three or four months?

Midshipman GARCELON. No, sir; after my first year here.

Mr. PADGETT. How was it the last academic year with reference to running?

Midshipman GARCELON. You mean this present year?

Mr. PADGETT. Not the present year. The last year, terminating June 30, 1905, for the year preceding.

Midshipman GARCELON. The forms of running were in vogue then, sir; such light forms as I have told you about.

Mr. PADGETT. Tell what kinds prevailed in the year preceding June 30, 1905.

Midshipman GARCELON. It consisted mostly of making the fourth class men tell stories at the table and reporting the dessert every noon, to wake upper class men up in the morning, and to wind their clocks. That is about all, except the rates. The rates consisted of fourth class men sitting on the edge of the chair in the mess hall——

Mr. PADGETT. Did you have any go under the table in that year?

Midshipman GARCELON. No, sir; not that I know of.

Mr. PADGETT. That is all, Mr. Chairman.

The CHAIRMAN. The class you belong to was one of the classes that made the agreement with Admiral Brownson in relation to physical hazing?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Your class understood that to apply to physical hazing only. Was that the construction of the class?

Midshipman GARCELON. That was the construction we put on it.

The CHAIRMAN. What year did your class first make that agreement?

Midshipman GARCELON. In 1903, when we first came back from September leave.

The CHAIRMAN. What were the circumstances about making that agreement? Through whom was it made—the class president?

Midshipman GARCELON. It was made through the president, directed to the commandant of midshipmen, and from him to the superintendent.

The CHAIRMAN. What consideration was given in case your class was willing to make this agreement and take upon yourselves the suppression of physical hazing? Were any other privileges to be allowed to you as a consideration for it?

Midshipman GARCELON. I did not know of any, sir. There were none given to us after that, either.

The CHAIRMAN. Did your pledge to Admiral Brownson cover anything besides hazing? Were pledges given in relation to other matters as well?

Midshipman GARCELON. In our first year we gave a pledge that we would not gouge in the recitation room or class room or anywhere else.

The CHAIRMAN. In your freshman year?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Anything else? Was frenching covered at any time by an agreement?

Midshipman GARCELON. We gave him an agreement last year that we would not french, and in return for that he said we would not have to sign the liberty book when we went on liberty—when we were entitled to liberty we would not have to sign the book as the others have to.

The CHAIRMAN. How often do they have to sign the book?

Midshipman GARCELON. Every time they went out of the gate, sir.

The CHAIRMAN. And those who gave their pledge were permitted to go out without signing the book?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Is it not your understanding, Mr. Garcelon, that the practices known as running increased quite largely after the pledge against physical hazing was given?

Midshipman GARCELON. No, sir.

The CHAIRMAN. Is that your observation?

Midshipman GARCELON. No, sir.

The CHAIRMAN. Some of the midshipmen think that the practice of running—anything outside of physical hazing—rather increased as the result of the stoppage of the physical hazing. That is not as you observe it.

Midshipman GARCELON. No, sir.

The CHAIRMAN. You think there was no more of it.

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Was there not more of what we might call fagging, performing menial services, after that stopped?

Midshipman GARCELON. I did not observe that there was any, sir.

The CHAIRMAN. You say during your freshman year you never knew of meals being brought up from the mess hall. That has prevailed during the last year and a half, has it not?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Then, that would be one instance of an increase in practices outside of physical hazing?

Midshipman GARCELON. Yes, sir; but I can explain that, sir. They used to quarter the midshipmen by classes, each class living at a different place. That is, the fourth class men lived over in the

old annexes—Annex A and Annex B. The upper class men all lived in the main quarters. In that case the fourth class men were kept together more or less, and the only time we were bothered or interfered with was when the upper class men came over to the annexes to see us. As it is now, all the classes are quartered together and a first class man may have fourth class men rooming right next door. It would be very easy for him to ask the fourth class men to bring up his breakfast.

The CHAIRMAN. Then you think it was the location of the classes with respect to each other which developed this system of service to the upper class men?

Midshipman GARCELON. Yes, sir; I do, sir.

The CHAIRMAN. How many fights do you think have taken place between class men during your three years and a half, or thereabouts, here?

Midshipman GARCELON. Well, I should say about a dozen that I have known about myself, sir.

The CHAIRMAN. Is knowledge of fights generally circulated pretty thoroughly?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. That is the sort of news that travels fast, and very few of them miss it?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. You think that during the past three years, for example, you have known of over a dozen fights, altogether?

Midshipman GARCELON. I do not believe I know of any more than that, sir, because there have been several that have not amounted to very much, and those were not told around very thoroughly.

The CHAIRMAN. You would not think there were as many as thirty in the last three years?

Midshipman GARCELON. There might possibly be; yes, sir. Very likely, sir.

The CHAIRMAN. What do you understand class fighting to mean, as distinguished from other sorts of fighting between midshipmen?

Midshipman GARCELON. Well, I have only known of one class fight since I have been here.

The CHAIRMAN. During your three years and a half?

Midshipman GARCELON. Yes, sir. That was in my first year, my freshman year. One of our class had broken a rate, and in breaking it he told what they thought was a falsehood. He was spoken to about it, and some misunderstanding arose. He said he would fight, and so the class above us picked out a man to fight this man. That was a class fight. But the others I have heard of were simply personal matters, as far as I know.

The CHAIRMAN. What is the reason for class fighting, generally?

Midshipman GARCELON. In the case, for example, of this man during my first year, he broke a rate and then tried to lie out of it, and of course the upper class men would not stand for that.

Mr. DAWSON. Did he get whipped in the first fight?

Midshipman GARCELON. Yes, sir.

Mr. DAWSON. There was only one fight in that case?

Midshipman GARCELON. Yes, sir; and that fight was the one that caused Admiral Brownson to put the third class on oath not to do any more hazing or running or anything.

The CHAIRMAN. That was the reason he put them on oath?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Then does class fighting grow out of a refusal to be hazed or run or rated?

Midshipman GARCELON. In this case if the man had not tried to lie out of it he would never have been interfered with at all, sir; but that is what got the upper class down on him.

The CHAIRMAN. Do you wish us to understand that your answer is that class fighting is not used to enforce obedience of lower class men to hazing and to rates and regulations?

Midshipman GARCELON. No, sir; that is not my answer.

The CHAIRMAN. Is not that the truth?

Midshipman GARCELON. Well, it is a fact that a plebe, if he does not want to keep the rates, understands that if he does not keep the rates he will have to fight with upper class men. That is the understanding, sir.

The CHAIRMAN. Yes; that is the understanding of everyone, I guess. How many class fights did you say you had known of during your three years and a half?

Midshipman GARCELON. That one, sir.

The CHAIRMAN. That is all, in three years and a half?

Midshipman GARCELON. Yes, sir; that I know of, sir—that I have heard of.

The CHAIRMAN. You do not take the papers, do you?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Would you believe that eight, ten, or a dozen class fights had taken place in the last two years?

Midshipman GARCELON. No, sir; not class fights, sir.

The CHAIRMAN. During your service here have the disciplinary officers of the academy objected to fighting?

Midshipman GARCELON. I have never known them to object, sir. I have never known them to countenance it.

The CHAIRMAN. Have any punishments of any character been inflicted, to your knowledge, for any fighting previous to the Branch-Meriwether case?

Midshipman GARCELON. No, sir; not that I remember of, sir.

The CHAIRMAN. Is it your understanding that the disciplinary officers, or some of them, were familiar with the fact that fights took place?

Midshipman GARCELON. I do not know that they were, sir; but I do not see how they could help it if the fellows came around with their eyes all blacked and the faces all bruised.

The CHAIRMAN. Have you ever known of the disciplinary officers making inquiries of the boys as to where they got black eyes or cut lips, or other indications of fighting?

Midshipman GARCELON. No, sir; I never have, sir.

The CHAIRMAN. Is it the understanding amongst the boys that if they go to the sick quarters, to the surgeons, to have some repairs made for injuries received in fighting—not of a serious nature—that no report will be made of it by the surgeons; that it is not a part of their duty to report it?

Midshipman GARCELON. I know that they have not reported it, sir.

The CHAIRMAN. Do not the boys feel tolerably easy about going there, feeling that it will not be reported?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Do you know of any instances of discrimination by the disciplinary officers—unfair discrimination—between midshipmen? I mean in the inflicting of demerits or other punishment for violations?

Midshipman GARCELON. There have been many cases in which we ourselves thought the officers were discriminating.

The CHAIRMAN. You think that in one case a boy would receive demerits for punishment, and that in another case where the offense was equally grave no punishment would be given?

Midshipman GARCELON. His statement would be accepted; yes, sir.

The CHAIRMAN. What instances can you give of favoritism or unjust discrimination against one boy?

Midshipman GARCELON. Well, I remember one case not long ago. A fourth class man was caught, I think, in a corridor out of uniform. That is against regulations. He was reported for it, and two midshipmen on duty saw him. He put in a statement, and his statement was accepted.

The CHAIRMAN. That is, he put in an excuse of extenuating circumstances?

Midshipman GARCELON. Yes, sir; an excuse, and it was accepted.

The CHAIRMAN. Could it be such an excuse as they could properly accept?

Midshipman GARCELON. He could not excuse his being out there out of uniform, because other midshipman got reported for the same thing, and got demerits for it.

The CHAIRMAN. Are there not any possible circumstances which might excuse being in the corridor out of uniform?

Midshipman GARCELON. Not at that time, sir, in his case.

The CHAIRMAN. You do not know what his excuse was, that he sent in?

Midshipman GARCELON. The excuse as I understand it—I did not see it—was that he was not there out of uniform.

The CHAIRMAN. Who reported him; the cadet officers?

Midshipman GARCELON. A midshipman of the second class who was on duty. He was not a cadet officer; no, sir. He was simply on duty on that floor.

Mr. PADGETT. Would it be well to have the name of the midshipman?

The CHAIRMAN. I was thinking whether I would inquire the name. I see no objection. Do you remember the name of the midshipman?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Was he a fourth class man?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. What was his name?

Midshipman GARCELON. Mr. Drew, sir.

The CHAIRMAN. His name was Drew?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. What, in your mind, is the reason that the penalty was not imposed by the disciplinary officer?

Midshipman GARCELON. I don't know that I have any good reason at all, sir; but I think it was because he was a fourth class man, and he thought the upper class men were trying to pick on him.

The CHAIRMAN. About when was this?

Midshipman GARCELON. I should say about a month ago, sir.

Mr. PADGETT. Who was the disciplinary officer?

Midshipman GARCELON. Mr. McVay—Lieutenant-Commander McVay.

The CHAIRMAN. What do you think of hazing as a system, Mr. Garcelon? Do you think some benefits arise to the under class men, the lower class men, by means of it?

Midshipman GARCELON. I think it did me good; yes, sir.

The CHAIRMAN. What did you good?

Midshipman GARCELON. The being kept down by the upper class men, when I was a plebe, or when I first came here.

The CHAIRMAN. You say you were kept down. What might you have done if you had not been hazed? To what heights might you have climbed?

Midshipman GARCELON. Well, if I had not had somebody, as I say, to keep me down, I might have come in here and tried to think I was a first class man, and run around the yard thinking I was about "it." I might have done that, sir.

The CHAIRMAN. Were those your characteristics? Were you a little inclined to be bumptious and self-conceited?

Midshipman GARCELON. No, sir; but getting in with 150 other fellows, I might have done that, sir. But more than that, the upper class men kept me braced up all the time, sir.

The CHAIRMAN. That is, they gave you a military carriage?

Midshipman GARCELON. Yes, sir. Of course I would have had enough pride about me to try to stand up, anyway, but the upper class men kept at me all the time. If I got tired I would get braced up just the same.

The CHAIRMAN. Were you stood on your head some when you were a freshman?

Midshipman GARCELON. A good deal; yes, sir.

The CHAIRMAN. What particular benefit do you think you got from that exercise?

Midshipman GARCELON. I do not know of any physical benefit at all, sir.

The CHAIRMAN. Was there any benefit of any kind?

Midshipman GARCELON. It showed me, as I say, that I did not amount to very much here.

The CHAIRMAN. It kept you humble in spirit?

Midshipman GARCELON. Yes, sir; it made me know there was somebody over me.

The CHAIRMAN. It kept you from getting haughty and arrogant?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Where you might have taken command of the academy. Do you think you were disposed to do that, if they had not stood you on your head occasionally, and made you go through these exercises, to teach you a sense of your insignificance? Do you think there was danger of your assuming to be too much?

Midshipman GARCELON. I do not think I would have; no, sir.

The CHAIRMAN. Then in your particular case you do not think there was any danger that you would have become arrogant?

Midshipman GARCELON. No, sir.

The CHAIRMAN. You come from the land of steady habits, where

your ancestors for generations were accustomed to plod along without needing a man to hang onto the bit too hard.

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. You never had to perform any of these menial services, of taking care of rooms, and all that?

Midshipman GARCELON. No, sir.

The CHAIRMAN. Were you ever sent under the table in your term here?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Was that beneficial to you?

Midshipman GARCELON. No, sir; because I went without my dessert every time I went under.

The CHAIRMAN. Is it rather humiliating for a young man, an American, to get under the table at somebody's nod or beck?

Midshipman GARCELON. I don't think so, sir, if it is all done in the right spirit.

The CHAIRMAN. What spirit is that?

Midshipman GARCELON. The spirit of fun.

The CHAIRMAN. It is fun to go under the table and eat your dinner there, is it?

Midshipman GARCELON. No, sir. But I remember one case. I had to tell a story, and I told it. It really had a good point to it, and they all laughed a great deal over it; but one man said he could not see any point to the story, and with that he put me under the table and told me to find the point down there. I was not humiliated at all, sir, at that.

The CHAIRMAN. Were you ever sent under the table at home?

Midshipman GARCELON. No, sir.

The CHAIRMAN. Have you ever been out taking dinner, before you came to the academy, when you were sent under the table?

Midshipman GARCELON. No, sir.

The CHAIRMAN. That practice does not develop up in Maine much, does, it?

Midshipman GARCELON. No, sir.

The CHAIRMAN. What would be the opinion up in the town where you live, about sending folks under the table? Would it be approved of there, or would that be considered as a practice which might be properly left out?

Midshipman GARCELON. It would not be approved of; no, sir.

The CHAIRMAN. You have been a cadet officer, I suppose, during your term here?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Which do you think is the more important, the rules which the boys set up for their own government or amusement, or whatever it may be here, or the laws of the United States?

Midshipman GARCELON. The laws of the United States, sir.

The CHAIRMAN. You think they should have preference?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Do boys coming into the school here make any promises with relation to obeying the laws of the United States and the regulations of the academy?

Midshipman GARCELON. I do not remember what it was, sir, that I promised to do when I came in here.

The CHAIRMAN. Is there not an oath required of every boy admitted to this academy?

Midshipman GARCELON. As I remember it, there is an oath to uphold the Constitution and laws of the United States; yes, sir.

The CHAIRMAN. When did you first know that the statute law of the United States forbids any form of hazing?

Midshipman GARCELON. In that case when three first class men were dismissed, sir.

The CHAIRMAN. That was last year?

Midshipman GARCELON. It was in 1904, I think, sir.

The CHAIRMAN. Is it generally known among the third class men that the statute law of the country forbids hazing, in addition to the regulations of the academy?

Midshipman GARCELON. It is known now; yes, sir.

The CHAIRMAN. Has it been generally known before these cases came up, or was it supposed that it was a regulation of the academy—one of the rules?

Midshipman GARCELON. I did not know about it until the three first class men were dismissed at that time.

The CHAIRMAN. You were then in your second year?

Midshipman GARCELON. Yes, sir; I was then in my second year.

The CHAIRMAN. You were in the third class?

Midshipman GARCELON. In the third class; yes, sir.

The CHAIRMAN. During your freshman year, when these young men were hazing you, you did not know they were committing offenses against the laws of the United States?

Midshipman GARCELON. No, sir.

The CHAIRMAN. You supposed they were offenses against the rules of the academy?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. You think that generally that is true among the fourth class men, that they are not familiar with the fact that it is the statute law of the country?

Midshipman GARCELON. I think they are familiar with it now, sir.

The CHAIRMAN. You think they are at present?

Midshipman GARCELON. Yes, sir; and they have been since those three were dismissed.

The CHAIRMAN. Since you came in as a fourth class man—say during your first two years at the academy—did any of the officials at the institution upon any occasion point out to you that it was a violation of the act of Congress to haze?

Midshipman GARCELON. Not that I know of, sir.

The CHAIRMAN. The disciplinary officers give you from time to time in the under classes talks, do they not, about the regulations?

Midshipman GARCELON. No, sir.

The CHAIRMAN. Don't they to the freshmen who come in?

Midshipman GARCELON. I think they started this year to do it.

The CHAIRMAN. That has been started recently?

Midshipman GARCELON. I think so, sir.

The CHAIRMAN. That is something new, then, in the discipline here?

Midshipman GARCELON. It must be, because they did not do it when I was a freshman.

The CHAIRMAN. Both of those books and regulations are in each room?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Do not the boys read them over more or less?

Midshipman GARCELON. It is not in the book that the offense of hazing is classified as 100 demerits, but most everybody, or some of them, believe that if they got caught it would be 100 demerits for it.

The CHAIRMAN. They do not know that there is such a law in the country as this:

That the superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy, and shall not thereafter be appointed to the Corps of Cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

Do you think the midshipmen generally were not familiar with that law requiring that they be summarily dismissed from the academy if they were proven guilty of hazing in any form?

Midshipman GARCELON. I think so in the last two years, sir, since those three were dismissed.

The CHAIRMAN. But not before that?

Midshipman GARCELON. I don't think so; no, sir.

The CHAIRMAN. You took the last examination here?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Did you pass? Were you above the minimum amount required?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Then, any objection which may be made to your graduation by the authorities would be upon the lines of conduct, and not upon your studies?

Midshipman GARCELON. It would be upon the lines of the charges which they claim they have against me; hazing, sir.

The CHAIRMAN. That would refer to conduct, and conduct would mean anything?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. It would refer to conduct and not to your deficiency in studies?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Has your treatment by the naval officers in this institution since you have been here as a student been fair and impartial so far as you can tell as to your examinations, as to marking examination papers and the reports made upon you for infractions of any kind of the regulations, and demerits imposed therefor?

Midshipman GARCELON. I think they have been entirely fair as regards my studies and as regards reporting me for things I have done against the regulations. But I have thought several times that I did not deserve to get demerits for certain things.

The CHAIRMAN. For the reason that you did not commit the violation, or what?

Midshipman GARCELON. Well, to give you a specific example: One morning I was absent from breakfast formation and I was reported, which is all right, and by the regulations I have a right to put in an excuse.

The CHAIRMAN. Yes.

Midshipman GARCELON. I said I did not wake up; I did not hear reveille, and my room was not inspected as the other rooms were inspected. My room was not inspected, and as I did not wake up

until after formation, I do not think I ought to get demerits for it. But I did just the same.

The CHAIRMAN. You think because of the fact that you did not waken they should not have given you demerits?

Midshipman GARCELON. I think the fact that my room was not inspected by the midshipman on duty, sir, should have relieved me.

The CHAIRMAN. The rooms are not all inspected every day, are they?

Midshipman GARCELON. Yes, sir; in the morning they are required to be inspected.

The CHAIRMAN. Every room every day?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Are you sure about that?

Midshipman GARCELON. Yes, sir; every morning after reveille they are inspected to see that the occupants are turned out.

The CHAIRMAN. Our information from the disciplinary officers is that they are not all inspected every day; that there are too many of them; that they are all inspected, for example, every week, but not all every morning.

Midshipman GARCELON. You must mean the forenoon inspection for neatness of rooms—during the forenoon?

The CHAIRMAN. The 10 o'clock inspection for disorder, or anything in the room.

Midshipman GARCELON. Yes; but what I mean is this daily inspection just after reveille; before breakfast.

Mr. DAWSON. Who makes that inspection?

Midshipman GARCELON. The company officers, sir.

The CHAIRMAN. The cadet officers?

Midshipman GARCELON. The cadet officers of each company, to see that each man is turned out.

The CHAIRMAN. Is there any provision for waking a man up in the morning?

Midshipman GARCELON. They are supposed to see that you are turned out, and if you are not turned out they are supposed to turn you out.

The CHAIRMAN. What is this reveille that is sounded in the morning?

Midshipman GARCELON. It is a bugle call, sir.

The CHAIRMAN. But you did not wake up that morning; you did not hear the bugle call?

Midshipman GARCELON. No, sir.

The CHAIRMAN. And you received a demerit. Suppose you had not wakened up next morning. The excuse given by you for the morning before would be just as good the next morning?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Suppose you did not wake up the next morning. Would the excuse still stand?

Midshipman GARCELON. Yes, sir; if my room was not inspected.

The CHAIRMAN. Then, according to your theory, it is the duty of somebody to come around and wake you up and get you out?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Is that the understanding of the officials of the academy, that a man must be awakened in the morning, in addition to the general signal that is given?

Midshipman GARCELON. It is the understanding that the room must be inspected.

The CHAIRMAN. Well, that is the duty of somebody else. I am talking about your duty. Is it not supposed to be your duty to hear the bugle call in the morning and get up, without assistance from somebody else?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. And if you fail to do so it is an infraction?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. If the cadet officer fails to inspect the room, that is an infraction on his part, and something that he is entitled to a demerit for?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. If the excuse was accepted that a midshipman did not hear the bugle call and did not wake up, do you not think that practice would increase to an alarming extent after a little?

Midshipman GARCELON. No, sir; because the room must be inspected.

The CHAIRMAN. But you keep getting away to somebody else's duty.

Midshipman GARCELON. Oh, I see what you mean now.

The CHAIRMAN. It is your duty to hear the bugle call and get up?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. And it is some other midshipman's duty to inspect your room?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. It is not, I assume, for the purpose of going around to wake you up. It is his duty.

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. If you did not hear the bugle and did not get up that is an infraction of the rules of the academy?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Then, properly, what is the demerit? One demerit?

Midshipman GARCELON. Ten demerits.

The CHAIRMAN. Ten demerits for failing to hear the bugle and failing to get up?

Midshipman GARCELON. Ten demerits for being absent from breakfast formation.

The CHAIRMAN. Oh, yes. Do you not think that inflicting demerits on cadets for failing to wake up when the bugle sounds in the morning is apt to assist them in waking up the next morning?

Midshipman GARCELON. I do not see how it can, sir.

The CHAIRMAN. Waking up, you know, is largely a matter of habit. A man who is accustomed to it will sleep with the most tremendous noise around him, and the moment the noise stops he is awakened, whereas a man trained differently can only sleep where it is quiet, and any noise will waken him. So it is largely a matter of habit about waking up in the morning. If it is impressed upon your mind that you must waken at the bugle call you are very likely to do so after a little while. How many times have you failed to hear the bugle?

Midshipman GARCELON. This year, sir, I have heard the bugle about a dozen times.

The CHAIRMAN. Ordinarily you depend on the morning inspection to waken you?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. You have come to rely on that instead of the bugle?

Midshipman GARCELON. Always, sir.

The CHAIRMAN. Hearing the bugle, then, was simply incidental? You didn't rely on it?

Midshipman GARCELON. No, sir.

The CHAIRMAN. So that in case the inspection did not take place you were left defenseless? Your mind did not work at the bugle call?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. I suppose the intention of the disciplinary officers was to impress upon the minds of the cadets that the bugle call was their signal and not the inspection. Well, that you think is an instance where you received marks that were unjust?

Midshipman GARCELON. That is my personal opinion, sir. I may be wroug.

The CHAIRMAN. Were there any other of your demerits that you thought were wrong?

Midshipman GARCELON. I do not remember of any case, sir.

The CHAIRMAN. Do you know how many you have received up to the present time this year?

Midshipman GARCELON. I think I received seventy-four this year, sir, counting some on the cruise.

The CHAIRMAN. That is the total?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. That is hardly up to half of the maximum amount permitted to first class men, is it? You are permitted 150 for the year, are you not?

Midshipman GARCELON. One hundred and fifty are allowed.

The CHAIRMAN. So you are still below 50 per cent of it?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. I will ask you some questions along this line. Do you think, on the whole, hazing as you now see it is a good practice to keep in the academy?

Midshipman GARCELON. No, sir; I do not, sir.

The CHAIRMAN. While in some instances some benefits might come to some particular lower class man, do you not think that inevitably as a result in the end it leads to great abuses and excesses?

Midshipman GARCELON. Yes, sir; it certainly does.

The CHAIRMAN. Which more than offset any possible advantage that might come out of it?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Is that the opinion of your classmates generally, after watching the developments here of the last few months?

Midshipman GARCELON. I believe it is; yes, sir.

The CHAIRMAN. Do any of you gentlemen wish to take up any other lines?

Mr. PADGETT. I would like to ask one question. What is the opinion of the second class men with reference to hazing?

Midshipman GARCELON. I have talked with several of them, and they seem to think it ought to be stamped out.

Mr. PADGETT. And of the third class. Have you any information as to them?

Midshipman GARCELON. Those with whom I have talked say it ought to be stamped out.

Mr. PADGETT. And when you get down to the fourth class man, who has never had an opportunity to haze anybody, but who has been taking it himself, what is his opinion about it?

Midshipman GARCELON. I have not dared to talk to any fourth class men, sir.

Mr. PADGETT. You have not talked with any fourth class men?

Midshipman GARCELON. No.

Mr. PADGETT. You said you had not dared to talk with them. Would it be a violation of the rules for a first class man to talk with fourth class men?

Midshipman GARCELON. No, sir; but just now I don't think I ought to be seen talking with any fourth class man.

Mr. PADGETT. It is not against the regulations?

Midshipman GARCELON. No, sir.

Mr. PADGETT. It is a question of propriety?

Midshipman GARCELON. Yes, sir.

Mr. PADGETT. There is no rule of the academy forbidding free intercourse between fourth and first class men specially, is there?

Midshipman GARCELON. No, sir.

Mr. DAWSON. Have you seen anything in the conduct of the discipline officers of the academy during the present school year which would lead you to think they might have been cognizant of these hazing practices that were going on to such a great extent?

Midshipman GARCELON. Yes, sir.

Mr. DAWSON. State them, please.

Midshipman GARCELON. I can give you the evidence that I gave in the court-martial as a witness in Mr. Mayo's case.

The CHAIRMAN. In relation to Lieutenant Snyder?

Midshipman GARCELON. Yes, sir.

Mr. PADGETT. We have that. Do you know anything else?

Midshipman GARCELON. Then, again, I remember one morning that Mr. Snyder came out of the mess hall. During September we had the mess hall in the basement. He came out there before the midshipmen did, and the fourth class men came out, and of course by rate they walk up the staircase on the side by the wall. He stood there and laughed at them. He said, "What are you walking up there for, up against the wall?" or something to that effect. They turned around and went out in the middle of the staircase and went up. He stood there for a few minutes and went into the office.

The CHAIRMAN. That is a rate?

Midshipman GARCELON. Yes, sir; that is simply a rate. There was no running or hazing about it.

The CHAIRMAN. I suppose everybody is familiar with the rates, because they take place out in the open—a good many of them?

Midshipman GARCELON. Yes, sir.

Mr. DAWSON. But the Snyder incident is the only one you know of of this kind during the present school year?

Midshipman GARCELON. It is the only instance where I was present. But I have heard of cases of other officers during the year see-

ing hazing going on, but of course I could not swear whether it was true or not.

Mr. DAWSON. Will you give us all the evidence you can in those particulars?

Midshipman GARCELON. I can give you what I heard at the time, sir.

The CHAIRMAN. We understand that it is simply hearsay. Proceed.

Midshipman GARCELON. There was a rumor that one of the officers walked into a room one night and there were some upper class men making fourth class men do stunts. He said, "What are you doing in here?" One of the upper class men said, "We are hazing, sir." He told them all to go into their rooms, and that is all that was done to them.

The CHAIRMAN. Do you know who that officer was, according to current reports?

Midshipman GARCELON. According to current reports, Mr. Wiley, sir.

The CHAIRMAN. Do you know whose room it was?

Midshipman GARCELON. No, sir.

The CHAIRMAN. Do you know about when it was?

Midshipman GARCELON. I think it was the first of this year—the first of this academic year.

The CHAIRMAN. That would be sometime in October.

Midshipman GARCELON. October or November; yes, sir.

The CHAIRMAN. Do you know who were present on that occasion?

Midshipman GARCELON. I know one midshipman. That is, as I say, I know by rumor that he was there.

The CHAIRMAN. He was reputed to be present.

Midshipman GARCELON. Yes, sir; that was Midshipman Shea, of the second class.

The CHAIRMAN. Does rumor give the boy's room in which it took place, as well as the rest of it?

Midshipman GARCELON. No, sir.

Mr. DAWSON. Do you know of any other instances of a similar character?

Midshipman GARCELON. May I look at my book just a minute, sir?

The CHAIRMAN. Yes, sir.

(The witness referred to a memorandum.)

Mr. PADGETT. Is Midshipman Shea here now?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. What is his class?

Midshipman GARCELON. The second class, the present senior class, sir. I do not remember of anything happening this year, sir.

Mr. DAWSON. Nothing else that would lead you to think that the officers were cognizant of hazing?

Midshipman GARCELON. Nothing this year. There were several cases last year.

Mr. DAWSON. I would be very glad if you would tell this committee what instances of this character you can think of that occurred during the last academic year.

Midshipman GARCELON. There was an officer on duty last year that made an inspection one morning——

Mr. PADGETT. Give us the names as you go on.

Midshipman GARCELON. Mr. Buchanan. I can not swear to this, sir, whether it is true or not.

Mr. DAWSON. It is the current understanding?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. It is rumor?

Midshipman GARCELON. Yes, sir. He was making an inspection of corridors, simply walking around the corridors, and he saw five or six fourth class men come out of one room, early in the morning. He went in and it seemed that this third class man had five or six fourth class men to wake him up. One was a rooster, and one was a guinea hen, and so on and so forth. He asked this third class man about it, and then he said, "When I was in here one fourth class man was enough to wake me up," and he said "You had better get rid of five of them."

Mr. DAWSON. What I want to get at particularly with reference to the last academic year is what the general understanding was among the boys with regard to the attitude of the officers of the academy in relation to the practices of running. The classes having entered into an agreement with Superintendent Brownson not to indulge in physical hazing, was it your understanding or was it the general understanding that no serious cognizance would be taken of the practice of running?

Midshipman GARCELON. That was the understanding; yes, sir.

Mr. DAWSON. Do you know whether any considerable number were given demerits for practicing running on fourth class men during the last academic year?

Midshipman GARCELON. I do not know of a single case, sir.

Mr. DAWSON. The students, then, understood that having pledged themselves not to indulge in physical hazing, the officers would not raise any serious objections against the practices of running. Was that your understanding?

Midshipman GARCELON. Yes, sir. I should say it was.

Mr. GREGG. Along that same line, what has been the impression of the boys as to hazing here up to the time this investigation was begun? Did they have any impression as to whether it was very objectionable to the management?

Midshipman GARCELON. I believe I can say for myself that I thought the officers must know that there was a little, and I knew it had been going on for years.

The CHAIRMAN. That is, running?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. You had pledges that you would not haze?

Midshipman GARCELON. To Superintendent Brownson; yes, sir.

Mr. GREGG. I am speaking of the present academic year?

Midshipman GARCELON. Yes, sir.

Mr. DAWSON. From October 15 to December 12?

Mr. GREGG. Yes. During this academic year—since they all came back and entered here in October—what has been the impression among the boys here as to the purpose of the management as to stopping or permitting hazing?

Midshipman GARCELON. There has been nothing to stop it, sir.

Mr. GREGG. Was any instruction given to any of you about not permitting it or reporting it, or anything of that kind?

Midshipman GARCELON. No, sir.

Mr. GREGG. Have you been a midshipman officer during this present year?

Midshipman GARCELON. Yes, sir.

Mr. GREGG. Were you given any instructions in regard to reporting any hazing or offenses of hazing which you might see?

Midshipman GARCELON. Not until very lately, sir; not until we took that action—that we would report every infraction we found.

Mr. GREGG. Were your instructions given to you before you took that action or after you took that action?

Midshipman GARCELON. It was understood with that action that hazing was one of the infringements that we would report.

Mr. GREGG. Meaning the action that the class itself took?

Midshipman GARCELON. Yes, sir.

Mr. GREGG. But prior to your taking that action had any instruction been given to you relative to the reporting of hazing?

Midshipman GARCELON. No, sir.

The CHAIRMAN. When was it that Admiral Sands or the commandant called the class men up and told them——

Mr. DAWSON. The cadet officers.

Mr. GREGG. Called the cadet officers up and instructed them that they must report every infraction of the law, including hazing?

Midshipman GARCELON. I should say that was about six weeks ago.

Mr. GREGG. About six weeks ago was the first time that was done?

Midshipman GARCELON. Yes, sir.

Mr. GREGG. Then, from the beginning of the academic year up to that time, no instructions were given to you as to reporting hazing or preventing hazing?

Midshipman GARCELON. No, sir.

Mr. GREGG. Were you all called up and individually lectured or instructions given you about your general duties prior to that time?

Midshipman GARCELON. Word came to our class presidents from the superintendent that he wanted us to take the action that we would report everything.

Mr. GREGG. When was that?

Midshipman GARCELON. That was, as I say about six weeks ago.

Mr. GREGG. But prior to that time?

Midshipman GARCELON. No, sir.

Mr. GREGG. Had you all been called together and instructed to report hazing?

Midshipman GARCELON. No, sir.

Mr. GREGG. Prior to that time had you been called together and given any instruction or lecture about your general duties?

Midshipman GARCELON. No, sir.

The CHAIRMAN. That was before or after the Meriwether fight?

Midshipman GARCELON. That was afterwards—after the Meriwether fight.

Mr. GREGG. What, if anything, prior to that time was done to prevent hazing here that you know of by way of making rules or regulations?

Midshipman GARCELON. I do not know of anything.

Mr. GREGG. How many discipline officers were in charge here last year?

Midshipman GARCELON. I think there were about six, sir.

Mr. GREGG. Six last year?

Midshipman GARCELON. I think so, sir.

Mr. GREGG. Who were they?

Midshipman GARCELON. The names, sir?

Mr. GREGG. Yes, sir.

Midshipman GARCELON. Mr. Buchanan, Mr. Gelm, Mr. Pope—I can not remember who they were, sir.

Mr. GREGG. What were their duties, or what duties did they perform last year, as compared with the duties performed by the four this year? Were they the same or different; and if so, explain wherein they differ.

Midshipman GARCELON. They were exactly the same except that now each one of these officers has the assigning of demerits and the granting of requests to his division.

Mr. GREGG. Last year they did not have that?

Midshipman GARCELON. No, sir.

Mr. GREGG. So the duties performed were exactly the same with that exception?

Midshipman GARCELON. With that exception; yes, sir.

The CHAIRMAN. About their presence in the building where the cadets were. How did that compare with this year? Was it the same as this year or different?

Midshipman GARCELON. They were in the buildings, sir.

Mr. GREGG. Just the same as they are this year?

Midshipman GARCELON. Yes, sir.

Mr. GREGG. Was there one on charge every day?

Midshipman GARCELON. One in charge each day; yes, sir.

Mr. GREGG. Each one had an office in the building, did he?

Midshipman GARCELON. No, sir; one general office for all of them.

Mr. GREGG. Have they all got separate offices this year?

Midshipman GARCELON. Yes, sir.

Mr. PADGETT. I want to pursue a little further the statement with reference to the transactions of the last academic year. You stated a little while ago that you knew of several instances this year where it was reported that these officers had knowledge or cognizance of hazing.

Midshipman GARCELON. Yes, sir.

Mr. PADGETT. You mentioned the case of Mr. Buchanan. Mention the others please.

Midshipman GARCELON. It is rumored that Mr. Geln walked into a room and a third class man was bracing up a plebe. He asked him what he was doing, and the third class man said, "Nothing, sir." And he closed the door and went out.

Mr. PADGETT. What third class man was that and what plebe?

Midshipman GARCELON. Mr. Libbey of the present second class and Mr. Kincaid of the present third class.

Mr. PADGETT. Who were the cadets involved in the Buchanan incident?

Midshipman GARCELON. I do not know the fourth class men, but Mr. Davy of the second class was the one who had them report to his room.

Mr. PADGETT. Now mention the other incidents.

Midshipman GARCELON. I do not know of any incidents where the officers caught people running, but they have threatened to do it.

The officers themselves have threatened to do it in the class rooms in the recitation rooms.

Mr. PADGETT. What do you mean by "They threatened to do it?"

Midshipman GARCELON. For instance, this year, a professor of mathematics——

Mr. PADGETT. Give us his name.

Midshipman GARCELON. Professor Brown. He threatened to put the whole third class on their heads in the examination room.

Mr. DAWSON. The third class?

Midshipman GARCELON. Yes, sir.

Mr. PADGETT. For what purpose?

Midshipman GARCELON. I don't know, sir. I think they made a little mite too much noise, or something, in the examination room.

Mr. PADGETT. Do you know of any other instances?

Midshipman GARCELON. I know of an instance this year where an officer made a first class man stand at attention and "fin out," which is one form of running.

Mr. PADGETT. Do what?

Midshipman GARCELON. Fin out, which consists in putting your little fingers on the seam of your trousers and holding your hands this way, sir [indicating]. Of course that is just a minor affair.

Mr. PADGETT. Is that part of the military discipline, or is it outside of the military discipline?

Midshipman GARCELON. It is outside of military discipline, sir.

Mr. PADGETT. Is it a part of the military discipline, or of the school discipline, for a professor to put a class or any member of a class, on his head?

Midshipman GARCELON. No, sir.

Mr. PADGETT. Do you know of any other instances?

Midshipman GARCELON. I can go back further than last year, sir.

Mr. PADGETT. I do not know that it is necessary to go beyond last year. I would like to get all of last year, however.

Mr. GREGG. When you say last year you mean this past year, or prior?

Mr. PADGETT. He means last year; before this.

Mr. GREGG. This is last year in one sense.

Mr. PADGETT. Oh, no; this is the present year. You say you know of instances prior to last year?

Midshipman GARCELON. I know of instances where officers have threatened to haze midshipmen, fourth class men.

Mr. PADGETT. Prior to last year?

Midshipman GARCELON. Yes, sir.

Mr. PADGETT. Are those officers still connected with the academy?

Midshipman GARCELON. No, sir.

Mr. PADGETT. In any capacity?

Midshipman GARCELON. No, sir.

Mr. PADGETT. In what form was that threat? What was it they threatened to do, which you call hazing?

Midshipman GARCELON. He threatened to put a man on his head in a corner of the room, of the recitation room, and at another time he was officer in charge, and he made a fourth class man take his hands off of the table. He wrote a note to this fourth class man and sent it down by the officer of the day, to take his hands off the table, to sit on the edge of his chair, and to brace up.

Mr. PADGETT. What officer was that?

Midshipman GARCELON. That was Lieutenant McKean.

Mr. PADGETT. To take his hands off of the table was a proper direction, was it not?

Midshipman GARCELON. It is a rate that the fourth class men shall not put their hands on the table.

Mr. PADGETT. Are the other classes permitted to put their hands on the table?

Midshipman GARCELON. Yes, sir.

Mr. GREGG. It is not a violation of table etiquette or table manners to put the hands on the table?

Midshipman GARCELON. Not to rest the hand lightly on the table.

Mr. PADGETT. Was this fourth class man resting his hand lightly on the table or severely?

Midshipman GARCELON. He was just resting his hand lightly on the table, sir.

Mr. PADGETT. Was he resting his hand on the table in any way differently from the third, second, or first class men?

Midshipman GARCELON. Some first, second, and third class men do more than he did, now.

The CHAIRMAN. It was nothing out of the ordinary?

Midshipmen GARCELON. No, sir.

Mr. PADGETT. You say it was nothing out of the ordinary?

Midshipman GARCELON. No, sir.

Mr. PADGETT. And this professor then wrote him a note to take his hands off of the table, to sit on the edge of his chair, and to brace up?

Midshipman GARCELON. Yes, sir.

Mr. PADGETT. When was that?

Midshipman GARCELON. That was during the summer of 1902.

Mr. PADGETT. Now, we will come back to last year. Do you know of any other instance during the last year than those you have mentioned, which are common report?

Midshipman GARCELON. I do not think of any; no, sir.

Mr. PADGETT. These that you speak of as being of common report, were they generally credited and accepted as true by the midshipmen?

Midshipman GARCELON. Yes, sir.

Mr. PADGETT. Have you heard from the midshipmen such expressions of opinion generally as would warrant you in saying that it was commonly accepted as a true rumor?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. What reason would you give for this officer sending word down to the midshipman to take his hands off the table, sit on the edge of his chair, and brace up? What was considered the purpose of it?

Midshipman GARCELON. The reason, sir, is that it is a plebe's rate, a fourth class man's rate, to do those things, and if he sits back in his chair, he is breaking a rate.

The CHAIRMAN. Were there not other fourth class men present?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Were they all observing the rate.

Midshipman GARCELON. I think they were, sir; yes, sir. He had just come into the academy, sir.

The CHAIRMAN. This boy had?

Midshipman GARCELON. Yes, sir; he had just entered.

The CHAIRMAN. All the others who had had experience were observing the rate?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. The officer enforced it against him?

Midshipman GARCELON. Yes, sir.

Mr. DAWSON. It has been the general understanding, then, for several years back that the officers of the academy recognize this system of rates, has it?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Is there anything else you wish to state to the committee, Mr. Garcelon, on any subject?

Midshipman GARCELON. Mr. Padgett was asking me if I knew of any other instances of officers knowing about running and winking at it. There was a case of what might be called official hazing.

Mr. DAWSON. When was this?

Midshipman GARCELON. That was last spring, sir.

The CHAIRMAN. Tell us about it.

Midshipman GARCELON. The fourth class men, you know, have dancing lessons, and the officer of the day is supposed to go down there and keep order. He could not keep order, and the superintendent, happening to walk in, saw the fourth class men——

The CHAIRMAN. The superintendent of cadets?

Midshipman GARCELON. Yes, sir; the superintendent of the academy. He saw the fourth class men there raising a disturbance, and he ordered that they should go to the armory every afternoon and that a first class man should go down there to put them through physical exercises. They did go down there, officially, and he made them go through the sixteenth, I believe, 250 times, or something like that, and other physical exercises. That was kept up for about a week, sir.

The CHAIRMAN. What month was that?

Midshipman GARCELON. I should say it was last February or March, sir. I do not remember the exact time, sir.

The CHAIRMAN. About a year ago?

Midshipman GARCELON. Yes, sir.

Mr. GREGG. How long did you say that lasted?

Midshipman GARCELON. For a week it was kept up, every afternoon.

The CHAIRMAN. They were first class men who were sent down with them? The class that just graduated?

Midshipman GARCELON. Yes, sir; they have gone out.

The CHAIRMAN. Were you sent down with them?

Midshipman GARCELON. No, sir.

The CHAIRMAN. Was Mr. Roberts or Mr. Hayes?

Midshipman GARCELON. I do not know whether Mr. Roberts was or not, sir. They were senior class men, sir, I should have said—— senior class men.

The CHAIRMAN. That were sent with them?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. The class that just graduated?

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. Do Mr. Roberts or Mr. Hayes, do you know, know about this occurrence?

Midshipman GARCELON. They probably know about it, sir, but I do not know whether they were down there or not.

The CHAIRMAN. That was Admiral Brownson who noticed this disorder?

Midshipman GARCELON. Yes, sir.

Mr. PADGETT. I would like to ask a question in connection with that. Were the things which the first class men were directed to cause these fourth class men to do in the armory included in the military drill or discipline, or were they things outside?

Midshipman GARCELON. They were included in the drill, but this drill includes the exercise known as the sixteenth.

Mr. PADGETT. So that the things they did were in the drill?

Midshipman GARCELON. In the tactics; yes, sir.

Mr. PADGETT. Everything they did was in the tactics?

Midshipman GARCELON. Yes, sir.

Mr. PADGETT. They were then directed by the superintendent to go through the drill under the supervision of these first class men for a week's time?

Midshipman GARCELON. Yes, sir.

Mr. PADGETT. Were they cadet officers, or just senior class men?

Midshipman GARCELON. They were cadet petty officers. I know one man; I think he was a cadet officer at that time, sir. They were men who happened to be on duty that day. They changed every day.

The CHAIRMAN. You stated that this was official hazing.

Midshipman GARCELON. That is the name I applied to it, sir. I am probably wrong in saying that.

The CHAIRMAN. Hazing is the infliction of these exercises as punishment, or for other reasons, by unauthorized authority. This seems to have been authorized by proper authority.

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. And included no exercises except those named in the manual of the academy.

Midshipman GARCELON. Yes, sir.

The CHAIRMAN. You do not know of anything being required of them outside of these regular exercises?

Midshipman GARCELON. No, sir.

The CHAIRMAN. That is all, Mr. Garcelon.

STATEMENT OF MIDSHIPMAN WILLIAM PARSONS HAYES, U. S. NAVY.

Midshipman WILLIAM PARSONS HAYES, having been first duly sworn, testified as follows:

The CHAIRMAN. Give the stenographer your full name, please.

Midshipman HAYES. William Parsons Hayes.

The CHAIRMAN. What State were you appointed from?

Midshipman HAYES. Kentucky, sir.

The CHAIRMAN. You are now under detention, under charges of some sort which are unknown to you?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. I want to say to you that it is not our purpose to inquire into that at all, unless you wish to volunteer information in relation to it to the committee. We are inquiring into the discipline and management of the academy generally, especially as it relates to hazing, and we ask no information of you which would tend to incriminate yourself as to any charge which may be preferred against

you. If such a question is inadvertently asked, it will be stricken from the evidence when it is reported, so you may feel free to answer any questions. You belong to the class the majority of which just graduated within a few days past?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. Were you hazed during your first year here? That would be 1902, would it?

Midshipman HAYES. Yes, sir; the class was, and I was with the class.

The CHAIRMAN. They were generally hazed, I suppose?

Midshipman HAYES. They were generally hazed at that time.

The CHAIRMAN. The treatment was impartial among them?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. Did the hazing during your first year, which you received, correspond closely to the hazing which now prevails? Was it about the same sort of practice?

Midshipman HAYES. They were similar practices, sir; but they were worse than they are now. They were harder.

The CHAIRMAN. They were worse on the average?

Midshipman HAYES. On the average I think they were; yes, sir.

The CHAIRMAN. I suppose no one during your fourth class year was hazed harder than Mr. Kimbrough, for example?

Midshipman HAYES. Well, I think there were some that quite nearly approached that, sir, only they managed to take care of them all right.

The CHAIRMAN. Were there any expulsions for hazing, of upper class men, during your freshman year?

Midshipman HAYES. No, sir; there were not.

The CHAIRMAN. Or any punishments inflicted for it during that year?

Midshipman HAYES. No, sir.

The CHAIRMAN. Any trials?

Midshipman HAYES. No, sir; no trials.

The CHAIRMAN. Neither by the superintendent nor in any other way for it?

Midshipman HAYES. No, sir. The only thing that occurred then, sir, was that case of Blasdel and Pearson, the man who had his jaw broken.

The CHAIRMAN. In a fight?

Midshipman HAYES. In a fight.

The CHAIRMAN. Between an upper class man and a fourth class man?

Midshipman HAYES. A fourth class man and a third class man.

The CHAIRMAN. What was done in that case?

Midshipman HAYES. I don't know. Blasdel got some demerits for it.

The CHAIRMAN. But he was not expelled?

Midshipman HAYES. No, sir.

The CHAIRMAN. That was more in the way of a class fight?

Midshipman HAYES. No, sir; it was more personal than class. Pearson had trouble with a man who was too heavy to take the matter up, and so Blasdel was selected to take it up.

The CHAIRMAN. That is a class fight?

Midshipman HAYES. That would be a class fight then, I guess. Yes, sir.

The CHAIRMAN. It would be strictly a class fight? Did that grow out of hazing, rating, or what?

Midshipman HAYES. Directly from hazing, sir.

The CHAIRMAN. I suppose the fourth class man was insubordinate?

Midshipman HAYES. He was at the time on his head at the old roundhouse that used to be in the rear of the old quarters, and he did what is called "knocked off running" at that very time. He was going to be dismissed anyway for studies, on account of being deficient, so he took this inopportune moment to knock off running. A great many words passed back and forth and it finally wound up in this fight.

The CHAIRMAN. The upper class man considered that he was bound to submit to the traditional treatment as long as he was here?

Midshipman HAYES. I don't know that, sir. They took the stand that he took the wrong time to discontinue running.

The CHAIRMAN. The term "hazing" as understood in your freshman year was about the same as it is now?

Midshipman HAYES. No; the term itself has an entirely different meaning now. The accepted meaning now includes everything possible. Then it only included physical exercises and the like. We drew a distinction between hazing and running.

The CHAIRMAN. And the performance of service for upper class men?

Midshipman HAYES. That did not come under either head, at all.

The CHAIRMAN. That is by itself?

Midshipman HAYES. Then there was very little of it, because we plebes lived entirely in two annexes and the upper class men, or third class, lived in the old quarters—the old main building.

The CHAIRMAN. You were not so located that you could perform much personal service for them?

Midshipman HAYES. No, sir.

The CHAIRMAN. You could not bring up meals, because you did not go to their quarters?

Midshipman HAYES. No, sir.

The CHAIRMAN. The term hazing, as it is understood now, includes all of those forms of involuntary performance of anything?

Midshipman HAYES. As I understand it.

The CHAIRMAN. That is, that are not authorized?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. This running, as you call it, not including the physical exercises, prevailed while you were a freshman?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. It prevailed in your third year?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. In your second year?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. And in your first year?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. Was there any special difference between the years, or has the amount of it been about the same while you have been here?

Midshipman HAYES. About the same.

The CHAIRMAN. Under your agreement with Admiral Brownson to stop physical hazing, did not the forms of running increase somewhat?

Midshipman HAYES. I can not say that it did, sir.

The CHAIRMAN. It was about the same?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. How many fights do you think have occurred in the academy during your service here?

Midshipman HAYES. I have no idea.

The CHAIRMAN. Twenty?

Midshipman HAYES. More than that.

The CHAIRMAN. Thirty, forty?

Midshipman HAYES. I should say a good deal more than that. I would not like to say the number.

The CHAIRMAN. I understand that you are just giving a guess at it. Would you say forty or fifty would cover it?

Midshipman HAYES. I should think it would for the four years; yes, sir.

The CHAIRMAN. Assuming that fifty fights have occurred in the last four years, what would be your offhand opinion as to the number that were class fights out of the fifty?

Midshipman HAYES. I should say possibly five or six, sir.

The CHAIRMAN. Some have occurred every year since you have been here?

Midshipman HAYES. Yes, sir; every year.

The CHAIRMAN. Class fights are held for the purpose of enforcing submission either to hazing or to running or practices of some kind, of that description?

Midshipman HAYES. Not necessarily, sir. It may be for the purpose of resenting an insult that can not be taken up because of too much difference in the size of the two principals, and they pick another man for that.

The CHAIRMAN. Do you mean to say that if a fourth class man has a personal difference of some kind with a third class man, that some other man could be substituted besides the parties to the controversy?

Midshipman HAYES. If there is too great a difference in the size and weight, they may substitute a man if they wish to.

The CHAIRMAN. Some disinterested midshipman may be assigned to the duty of fighting a boy, although he may have no trouble with him?

Midshipman HAYES. He may.

The DAWSON. Is the same thing true as between third and second class men?

Midshipman HAYES. It would hold there, too.

Mr. DAWSON. Between all classes?

Midshipman HAYES. Yes; all the way through.

The CHAIRMAN. The differences between fourth class men and upper class men are rarely of a personal nature, are they? Do they not almost invariably grow out of the hazing or running system?

Midshipman HAYES. As to that, I don't know, sir.

The CHAIRMAN. You of course know, Mr. Hayes, that class fighting is the instrument by which hazing and running are enforced?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. What class were you in when an agreement was first made with Admiral Brownson whereby the boys gave their word that they would not practice physical hazing?

Midshipman HAYES. The third class, sir.

The CHAIRMAN. Was the understanding made through the president of your class? It came to the balance of the class through the president of the class?

Midshipman HAYES. Through a committee of three.

The CHAIRMAN. A committee appointed for that purpose?

Midshipman HAYES. Yes, sir; by the class.

The CHAIRMAN. The committee met the Admiral in person?

Midshipman HAYES. The commandant, sir. They told the commandant the result of it.

The CHAIRMAN. Were they to have some extra privileges along some other lines as an equivalent for giving their word of honor as to abstaining from physical hazing?

Midshipman HAYES. No, sir.

The CHAIRMAN. No equivalent was given for it?

Midshipman HAYES. No, sir.

The CHAIRMAN. We had heard that they had some privileges as to going out at certain times, and certain other things, which were to be in lieu of physical hazing. Did you know anything of that?

Midshipman HAYES. No; nothing like that was said to us.

The CHAIRMAN. Suppose your class did not agree to it? What was the alternative?

Midshipman HAYES. Well, on the mechanical drawing list of that year, the first one, opposite the list of sections, there were locker numbers marked on there. The only interpretation we put on that was that we would be assigned to billets on the *Chesapeake*, which was lying on the *Santee* dock, and be quartered there as a class until we agreed to give this promise. The meeting was held up in the old quarters. Lieutenant-Commander Poyer, the aide at the time, came up there and made a little address and told us he would give us fifteen minutes to discontinue the practice of hazing, and we could report to the commandant the result of it by a committee, which was done.

The CHAIRMAN. In your freshman year did you receive instructions of lectures of any kind from the disciplinary officers in relation to hazing?

Midshipman HAYES. No, sir. Then we had six or seven discipline officers that came on every day in rotation.

The CHAIRMAN. When you were in your freshman year did you understand that the rule against hazing was an act of Congress or simply a regulation of the academy?

Midshipman HAYES. Well, I don't remember how we did look at it, sir, or how I did.

The CHAIRMAN. When did you first know it was the statute law of the country?

Midshipman HAYES. I think it was first brought to the notice of the midshipmen in general when three of the midshipmen—Little, Chaffee, and Laughlin—were dismissed.

The CHAIRMAN. At the beginning of the school year in September or October were the cadet officers brought together and instructed as to their duties by the commandant of cadets or any other officials?

Midshipman HAYES. I do not remember any such instruction, sir.

The CHAIRMAN. Do you remember of such instruction having been given at any time during the present school year?

Midshipman HAYES. No, sir; I do not.

The CHAIRMAN. Were you a cadet officer?

Midshipman HAYES. No, sir; I am a cadet petty officer.

The CHAIRMAN. So that you might not have been included?

Midshipman HAYES. I might not have been.

The CHAIRMAN. It did not come to your knowledge that after the Branch-Meriwether fight the class officers were called together and instructed?

Midshipman HAYES. No, sir; I do not recall anything of that.

The CHAIRMAN. You understand that your agreement with Admiral Brownson referred to physical hazing only?

Midshipman HAYES. That was the interpretation.

The CHAIRMAN. That was the understanding with Lieutenant Badger and the officials?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. The practice of running, then, was understood and countenanced by the officials?

Midshipman HAYES. I can not say that.

The CHAIRMAN. What is your understanding about it, or the understanding of your classmates?

Midshipman HAYES. Nothing was ever said about it one way or the other. That word "run," as I recall it, was not brought up by the superintendent at all. He simply took the term as hazing. The midshipmen quibbled and tried to get around it so that running would be allowable, but as to whether they gained it or not I never knew.

The CHAIRMAN. You never knew of an instance where running, or hazing as now interpreted, came to the knowledge of one of the officials—one of the disciplinary officers?

Midshipman HAYES. No, sir.

The CHAIRMAN. During the year preceding the present one?

Midshipman HAYES. No, sir; I do not. Last year there was no hazing, sir.

The CHAIRMAN. I say, as it is now interpreted, which includes everything.

Midshipman HAYES. Oh.

The CHAIRMAN. There was no physical hazing last year?

Midshipman HAYES. No, sir.

The CHAIRMAN. Did you know of instances last year of boys being sent under the table in the mess room?

Midshipman HAYES. No, sir.

The CHAIRMAN. What do you call sitting on the edge of a chair—a rate or running?

Midshipman HAYES. That is a custom.

The CHAIRMAN. What was it last year—running?

Midshipman HAYES. No, sir; that was merely to brace the plebe up and give him square shoulders. You mean at the table, to sit in this position [indicating]?

The CHAIRMAN. Yes; and he was obliged to keep his hands off of the table, I suppose?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. That was to serve some good purpose. What was that?

Midshipman HAYES. I suppose that would come under the head of running, sir.

The CHAIRMAN. Sitting on the edge of the chair was for his benefit.

For whose benefit was it to keep his hands off of the table? What was that thrown in for—for good measure?

Midshipman HAYES. I suppose that was thrown in for good measure, sir.

The CHAIRMAN. How was your standing in studies as the result of the examination?

Midshipman HAYES. No. 36 for the four years' course.

The CHAIRMAN. That would be your number, 36 in the class?

Midshipman HAYES. Yes.

The CHAIRMAN. Then in your examination you are entitled to graduate, being above the minimum allowance?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. Your detention relates solely to some charge against your conduct?

Midshipman HAYES. Absolutely.

The CHAIRMAN. Do you know of any partiality that has been shown in conducting the examinations or marking the papers? Has anything been called to your attention?

Midshipman HAYES. No, sir.

The CHAIRMAN. Do you know of any discrimination being shown by disciplinary officers in the assignment of demerits or in reporting misconduct of any kind? Has it been, on the whole, fair, or has it savored of favoritism?

Midshipman HAYES. This year it has been right to the mark. They have stuck very close to the regulation book this year.

The CHAIRMAN. What would you say about the preceding school year—last year?

Midshipman HAYES. During Admiral Brownson's administration, sir, the punishments would gradually increase. If two men would do practically the same thing the last man would get a little greater punishment than the first one.

The CHAIRMAN. How do you account, Mr. Hayes, for the fact that, during the part of the present school year preceding the Branch-Meriwether fight, the system of discipline here had practically broken down in this: That the cadet officers failed to report these violations, both of the regulations and of the law?

Midshipman HAYES. It is just the custom of the place, sir.

The CHAIRMAN. Then it was not a sudden breakdown; it was something that had existed before?

Midshipman HAYES. It had; yes, sir.

The CHAIRMAN. The failure to report violations, then, existed during the last year as well as the present?

Midshipman HAYES. Do you mean that to include all violations of regulations, sir?

The CHAIRMAN. Well, especially all hazing practices.

Midshipman HAYES. There was no hazing last year, sir.

The CHAIRMAN. Running existed last year in great abundance. Were any reports made last year of running?

Midshipman HAYES. None, sir.

The CHAIRMAN. Were other violations reported?

Midshipman HAYES. To a great extent they were not, sir.

The CHAIRMAN. Especially as against classmates?

Midshipman HAYES. Decidedly so, sir.

The CHAIRMAN. Then had it become rather a settled practice and

understanding and code that the cadet officers should not report violations against classmates?

Midshipman HAYES. It had, provided they could do it with safety to themselves.

The CHAIRMAN. And provided too much risk was not incurred thereby?

Midshipman HAYES. Exactly, sir.

The CHAIRMAN. The code of honor had grown up among the cadet officers in some way that it was their duty to protect their classmates if they could do it without too much risk, rather than to report these violations to the naval officers?

Midshipman HAYES. Such practices had been in existence ever since I had been here, sir. I can not say that it has grown at all of late. It is the same thing.

Mr. PADGETT. How is it at the present time?

Midshipman HAYES. With this class I can not say, but with my class, after the meeting they had with Captain Colvocoresses, there was no distinction allowed, but with the present class I do not know how they are, sir.

The CHAIRMAN. Have cadet officers been appointed out of the present senior class?

Midshipman HAYES. They have.

The CHAIRMAN. You have no knowledge of how they are performing their duty?

Midshipman HAYES. Not the slightest, sir.

The CHAIRMAN. Mr. Hayes, did you receive any benefit from the hazing which you received during your freshman year?

Midshipman HAYES. I think physically I did.

The CHAIRMAN. Did you get a considerable amount of physical exercise here?

Midshipman HAYES. This hazing that I got was principally in the setting-up drill, just as it is laid down in the tactical books, and it develops the body.

The CHAIRMAN. The amount of exercise that is given to the boys here, I suppose, is carefully considered by authorities upon athletics, including surgeons, and the men are given such an amount as is considered best for their development.

Midshipman HAYES. Well, you can only compare the physique of the classes to tell. That is the way. The classes that have gone before, as a general rule, are healthier, stronger men than the classes in the academy that have never been hazed. They are a great deal better set up.

The CHAIRMAN. I should think standing on the head would make them round-shouldered.

Midshipman HAYES. That practice is not indulged in to any great extent. It did not use to be when I was a fourth class man.

The CHAIRMAN. It has come in lately?

Midshipman HAYES. As to that I don't know, sir.

The CHAIRMAN. The committee is better informed than you. We have heard of a great multitude of cases in the committee in which fourth class men have been required to stand on their heads 100, 200, 300, 400 times.

Midshipman HAYES. Yes, sir. If that is kept up week after week it will be detrimental; but the keeping up of the setting-up drill week

after week is beneficial. For nearly two months and a half I got the setting-up drill three times a day.

The CHAIRMAN. What did it consist of?

Midshipman HAYES. The sixteenth, as they call it—the sixteenth exercise—and hanging up by the hands.

Mr. PADGETT. Hanging on the locker?

Midshipman HAYES. I believe that is it, sir.

Mr. DAWSON. When you had to hang on the locker did you have to hold your feet out in a horizontal position?

Midshipman HAYES. Yes, sir.

Mr. DAWSON. There is no change in the method of that.

Midshipman HAYES. No change at all, sir.

The CHAIRMAN. Do you think that the exercises that Mr. Kimbrough got here are likely to be beneficial to him physically?

Midshipman HAYES. I would rather not say anything about Kimbrough, sir, if I may be excused from that.

The CHAIRMAN. Then I will say do you think that any freshman is benefited by being exercised and being made to stand on his head 300 times?

Midshipman HAYES. I do not think standing on the head is beneficial. The others I think are good for them.

The CHAIRMAN. Then, as I gather it from your idea, if the exercises that come under the head of hazing could be strictly limited in discreet hands and not used to excess it might be beneficial to the boy?

Midshipman HAYES. I undoubtedly think it would, sir.

The CHAIRMAN. But what do you think about the end of such a system? Is it safe, as a system, to put this power in the hands of three or four or five hundred boys, some of whom are prudent, some of whom are reckless, some of whom are discreet, and some of whom are indiscreet? Is such a system as that, as a whole, likely to be for the benefit of the boys?

Midshipman HAYES. I should think it would be, sir. It would not be carried to excess.

The CHAIRMAN. Well, it has been.

Midshipman HAYES. In one case, sir.

The CHAIRMAN. Oh, in a multitude of them. You have been stood on your head?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. Is 100 a reasonable number of times?

Midshipman HAYES. I never used to mind 100 very much.

The CHAIRMAN. Two hundred?

Midshipman HAYES. I could go as much as 400 or 500 when I was a plebe.

The CHAIRMAN. How would you like to have that followed up by about ten leaning rests?

Midshipman HAYES. I have had it, sir.

The CHAIRMAN. Right along with the other?

Midshipman HAYES. Right straight along.

The CHAIRMAN. And hanging on the locker a few times by way of variety.

Midshipman HAYES. I have had it, sir.

The CHAIRMAN. It did not hurt you?

Midshipman HAYES. It did not hurt me.

The CHAIRMAN. You are strong physically?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. Unusually strong?

Midshipman HAYES. Not unusually strong.

The CHAIRMAN. A young man was before us a day or two ago who said he was strong and healthy, and that he could stand his share of any athletic exercise. He had tried it himself as an experiment, and he informed us that he thought 120 times of being stood on the head was the limit to which an ordinary young man could go without undue exhaustion. You did not agree with that?

Midshipman HAYES. In my own case I have gone more than 120. I have gone along two, three, and four hundred times. I do not know about the average man. I had my own way in doing it, by not getting my back too high, but more straight out, taking the weight on my hands.

The CHAIRMAN. I suppose the rules for athletic exercises here have to be made for average men—for the classes as a whole.

Midshipman HAYES. Yes, sir.

The CHAIRMAN. So that it might easily happen that you could stand an amount of exercising which would be pretty exhausting, and perhaps injurious, to one who was not so strong?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. Do you know anything about a hazing epidemic that broke out at West Point five years ago?

Midshipman HAYES. Only what I read in the papers at the time.

The CHAIRMAN. You know that that also resulted in very serious injury of several cadets and the death of one of them. Do you know, or do you not, that every time an epidemic of hazing has broken out in either of these schools it has invariably resulted in the death or serious injury of some student?

Midshipman HAYES. No, sir; I did not know that.

The CHAIRMAN. What is your opinion of class fighting?

Midshipman HAYES. Why, I think in some cases it would be necessary. In a majority of cases they could arbitrate very easily.

The CHAIRMAN. If a system of hazing is in force I suppose class fighting is a necessity or it could not be enforced?

Midshipman HAYES. I do not know. I do not think it could, sir. As I say, there have only been five or six class fights that I can recall since I have been here, and those were not entirely between third and fourth class men.

The CHAIRMAN. I think we can safely say that quite a number have escaped your attention.

Midshipman HAYES. I have no doubt of that, in the least. They are kept very quiet.

Mr. PADGETT. Suppose they do not fight? Suppose you would not observe the rule, or submit to hazing, and you were challenged to fight and you declined to fight—what would then be the penalty?

Midshipman HAYES. About the best thing for a man to do in that case would be for him to resign, I should think.

Mr. PADGETT. If he did not resign what would be the course?

Midshipman HAYES. He would be practically in coventry.

Mr. PADGETT. That is what I wanted to get at.

Midshipman HAYES. Coventry is an official punishment in the regulation there which is given to midshipmen under certain circumstances.

Mr. PADGETT. There is no regulation authorizing midshipmen to put other midshipmen in coventry, though?

Midshipman HAYES. No, sir; it is always the superintendent who gives the punishment of coventry, sir.

The CHAIRMAN. In view of the developments which have come under your notice, and in the light of your experience and knowledge upon the subject, is it still your opinion that the system of hazing is a good one to continue in the academy?

Midshipman HAYES. Some forms of it are if you eliminate the form of going on the head. In my opinion that would be the only one that is detrimental or injurious to the health at all.

The CHAIRMAN. Your conclusion is based solely upon it as a physical exercise?

Midshipman HAYES. Yes, sir.

The CHAIRMAN. I suppose the football and baseball teams do not need to be exercised during the season?

Midshipman HAYES. They never are, sir. A man who is out for football is never hazed during the football season.

The CHAIRMAN. They are let off. Then your opinion is that the classes as a whole that come here do not receive enough physical exercise?

Midshipman HAYES. I do not think they do, sir, in some respects.

The CHAIRMAN. And that the adding on of these exercises by the student body is for their benefit?

Midshipman HAYES. That is the way it is shown in the records of my class, sir, in their general appearance.

The CHAIRMAN. I think that the opinion of the United States, and of the Congress of the United States, is that it is a very pernicious, cowardly system, entirely unworthy of young men who are going into the service of their country for the purpose of obeying and enforcing the laws of their country, and that it must be rooted out of this institution if it takes the last student in it.

Mr. PADGETT. What would you think of the advisability or the propriety of substituting for the physical exercises gotten from hazing a hoe and a spade and having them cultivate a garden?

Midshipman HAYES. That would have the same effect, sir, and the same results would be gained.

The CHAIRMAN. I do not think you are entirely frank in your opinion on the subject of hazing. You must know very well, as all of us know, that a good share of the hazing is done for the purpose of showing the authority of the upper class men over the under class men; that it is done for the pure amusement and recreation of the upper class men, and that the benefit to the lower class man in a majority of the instances of hazing is the last thing that comes into their minds. Do you not know that?

Midshipman HAYES. It is not so in my own particular case, sir. I do not know how it is with the academy at large.

The CHAIRMAN. We have been discussing the system as it is, not from ideal systems that you have in your mind. We are discussing the system which actually exists and which includes most severe cases of standing on the head, which you said you would not do. It also includes practices which seem equally objectionable, such as requiring menial services on the part of the young men who come here for upper class men, a thing which is unworthy of American

institutions and of a free people, and which any boy ought to resent to the limit of his ability who comes here. We are discussing a system which includes requiring boys to take care of soiled linen, to put away clothing when it comes in, to wind clocks, to perform all sorts of menial and degrading services. All these things are included in the term hazing as it exists at the present time, and it seems to me that to maintain that such a system as is shown to exist here in thousands of pages of testimony is for the benefit of the lower class man is unworthy of the intelligence of a man who is familiar with it.

Midshipman HAYES. I was speaking absolutely from the physical hazing standpoint, sir.

The CHAIRMAN. Yet you say that part of the practices, you think, ought to be left out?

Midshipman HAYES. Merely the going on the head.

The CHAIRMAN. Do the surgeons here, as far as your knowledge goes, ever report cases that come in which clearly indicate that fighting has taken place?

Midshipman HAYES. No, sir; I have never known of it.

The CHAIRMAN. Is it the opinion, as far as you know, among the midshipmen that these cases will not be reported by the surgeons unless serious injury results?

Midshipman HAYES. I do not know that they have ever held such an opinion, sir.

The CHAIRMAN. The surgeons do not, as a matter of fact, make a report of these, do they, to your knowledge?

Midshipman HAYES. I have never heard of such a report, to my knowledge.

The CHAIRMAN. Do not the boys feel pretty safe in going over and having a black eye painted, feeling that it will not be brought to the attention of the disciplinary officers?

Midshipman HAYES. I think they do; yes, sir.

The CHAIRMAN. You have never known of any instance, yourself, Mr. Hayes, where any forms of running or of hazing in its broad sense have come to the knowledge of the disciplinary officers, the naval officers, either this year or last year, which were not reported?

Midshipman HAYES. No, sir; I do not know of any such occurrence.

The CHAIRMAN. I think that is all I have to ask you. The other gentlemen may wish to ask you some questions.

Mr. GREGG. There was a little difference between Mr. Padgett and myself just now about a certain proposition. I understand the evidence in one way and he understands it in another. As I understand, there is a naval officer the officer in charge every day?

Midshipman HAYES. Yes, sir.

Mr. GREGG. In Bancroft Hall?

Midshipman HAYES. Yes, sir.

Mr. GREGG. Then there are three other disciplinary officers besides the one who is in charge for the day?

Midshipman HAYES. Yes, sir.

Mr. GREGG. These three others—do they remain there all day, or do they——

Midshipman HAYES. No, sir; they come about 9.30, and I have seen the four men together at that time of morning. Then they go to their separate offices to look over their conduct reports and

assign demerits and make morning inspections, and then the other three that are not on duty leave the building.

Mr. GREGG. They do not stay there all day?

Midshipman HAYES. No, sir.

Mr. GREGG. But one of them stays there all day?

Midshipman HAYES. One is there all day; yes, sir.

Mr. GREGG. What difference is there between that custom and the way it has been done heretofore?

Midshipman HAYES. Heretofore we had one officer in charge on duty. All demerits were assigned by the commandant. Then the others had nothing to do with the building at all and were never in it when they were off duty.

Mr. GREGG. The only things these officers do in addition to that is to assign demerits and inspect rooms?

Midshipman HAYES. That is all I have information about.

Mr. GREGG. Now, about the setting-up exercises being beneficial. When I was in a military academy the setting-up exercises were a part of the drill for the new men. Is that true here now?

Midshipman HAYES. There is very little of it, sir. When I was a fourth class man we had it every night, which has been since discontinued. We had it from right after supper until study call.

Mr. GREGG. You say you have very little of that setting-up exercise now?

Midshipman HAYES. They get about a week of it about every six weeks, I should say. In one of the academy registers it shows the drills.

Mr. GREGG. I do not care about being accurate about that. What is supposed to have taken the place of that exercise now—the gymnasium?

Midshipman HAYES. No; they only have that about every week or so, sir. I can find it in just a moment.

Mr. GREGG. We did not have the gymnasium in my days. We set them up, though.

Midshipman HAYES. Here in the fourth class, the first setting-up drill they have gotten since we came back from leave was in November—two days, Monday and Tuesday—week ending November 25. That is one division only.

Mr. GREGG. That is the only drill they have there?

Midshipman HAYES. That is the only one. They have bayonet drill, gymnastics, and ordnance. When the fourth class have ordnance they very often make it a setting-up drill.

Mr. GREGG. Were you a cadet officer this year?

Midshipman HAYES. No, sir; I was a cadet petty officer.

Mr. GREGG. When was it that the cadet petty officers were called together by the commandant and given instructions as to reporting small infractions, including hazing and everything—how long since?

Midshipman HAYES. I do not remember the exact date. It was Sunday morning.

Mr. GREGG. How long since?

Midshipman HAYES. I should say five weeks.

Mr. GREGG. Was it before or after the Branch-Meriwether fight?

Midshipman HAYES. It was long after, sir—about five weeks before graduation.

Mr. GREGG. Prior to the Branch-Meriwether fight, what instruc-

tions were given to the petty officers and cadet officers about reporting hazing and all infractions?

Midshipman HAYES. I do not recall any, sir.

Mr. GREGG. That is all, I believe.

The CHAIRMAN. Mr. Hayes, I hope you will be able to get out of your difficulty and become an officer of the United States Navy soon. When by and by you are in the service of the country and placed, perhaps, in command of a ship at sea, with three, four, or five hundred men, in case the rules and regulations of the Navy and of your ship do not please the men you would not think it anything improper for them to substitute some other rules of their own, would you?

Midshipman HAYES. I certainly would, sir.

The CHAIRMAN. The laws of the United States, you think, are erroneous on the subject of hazing, and you therefore think it is proper for you young men who are to become officers of the Navy, to substitute a system of your own in place of them?

Midshipman HAYES. I understood that you wanted my opinion of absolutely physical hazing. I did not include fagging or running, winding clocks, and such things as that in my opinion of hazing. I do not approve of the fagging part of it, but I certainly do approve of the physical part of it. I think it does them good and is beneficial.

The CHAIRMAN. Who would you have prescribe the amount of physical hazing which is permitted and what it should be?

Midshipman HAYES. Let the cadet officers of the company do it. It was done here in Admiral Brownson's time. The fourth class men were dancing and cutting up and having a right good time down in the sail loft. The midshipman officer of the day happened to come in, and Admiral Brownson told him to do anything he wanted with the fourth class men. He sent up to headquarters and got assistance and he gave them a good setting up. That Admiral Brownson approved of. There was no going on the head though.

The CHAIRMAN. Did they give anything that that was not provided in the exercises under the regulations?

Midshipman HAYES. No, sir. They gave it to them for a straight setting-up drill, and they gave it to them for a week after that, every afternoon.

The CHAIRMAN. The academy has been here, I suppose, for fifty years. The attention of a great many of the most eminent naval officers that our country has produced have been given to the rules and regulations of the academy. They have been added to and changed, from time to time, as experience seemed to demand. The exercises, the athletic part of it, have grown out of fifty years of experience, and have been passed upon by experienced men, and by medical men. You have been here three years and a half. Your training prior to the time you came here, I suppose, was along entirely different lines from those which would give you experience in making rules of exercise or rules of conduct. Would not it be fair to suppose that the exercises and the rules and regulations which are the result of fifty years' growth and experience would be perhaps better than those which could be made by a committee of the midshipmen?

Midshipman HAYES. Is this with regard absolutely to physical exercise, now—to the physical part of the hazing?

The CHAIRMAN. Physical exercise is included.

Midshipman HAYES. If you include running and all the other things, I could not see where it fits exactly, but if you refer to the strictly physical side of hazing, I may be able to answer that, sir.

The CHAIRMAN. How much setting-up practice is included in the regular course which is received here?

Midshipman HAYES. Two days, sir.

The CHAIRMAN. Two days a week?

Midshipman HAYES. Two days to the whole time. In my fourth class year we had it every night, after supper, I think, from about 7.10 until 7.30. Under the first division of the fourth class, we find there are only two days as laid down here, for the setting-up drill.

The CHAIRMAN. And by the setting-up drill you mean that which gives a military carriage and an erect bearing?

Midshipman HAYES. I do.

The CHAIRMAN. And there are only two days of that during what time?

Midshipman HAYES. In that one particular division two days are laid down during the whole academic year, sir.

The CHAIRMAN. Do you not have drills—a good many of them?

Midshipman HAYES. That is, strictly setting-up drill. We always have gymnastics. Now, this is one division, the first division. They have gymnastics three weeks during the whole academic year.

The CHAIRMAN. I thought, in looking around here, that they had quite a good many drills during the week?

Mr. PADGETT. Gun drills, and things of that sort, but not setting-up drills.

The CHAIRMAN. Are not the disciplinary officers watching in each of the drills to see that thy stand erect and hold their chins up and their shoulders back?

Midshipman HAYES. No, sir; they have nothing to do with drills of that kind.

The CHAIRMAN. Is that done by the company officers?

Midshipman HAYES. The four disciplinary officers have nothing to do with the drills at all.

The CHAIRMAN. Is that done by the company officers, or other naval officers?

Midshipman HAYES. Some of the drills are by the officers; some by cadet officers and petty officers.

The CHAIRMAN. Do they give attention to the carriage and bearing of the men in the drills?

Midshipman HAYES. In all the infantry or artillery drills the cadet officers and petty officers do. At this time of the year the fourth class have drills independently of the other classes. Each class is drilling alone now.

The CHAIRMAN. The 16th is one of the disciplinary drills of the academy? It is in the present rules and regulations?

Midshipman HAYES. It is in the tactical regulations.

The CHAIRMAN. In the present issue?

Midshipman HAYES. I do not remember whether it is in the present drill book or not.

The CHAIRMAN. I can think of nothing more that I wish to ask.

Mr. PADGETT. I want to ask a question or two. Mr. Hayes, do you know of any instance since you have been connected with the

school where an officer has known of hazing or running and has declined to report it?

Midshipman HAYES. The only excuse I could possibly see that he could make there, sir, would be that he would have the chance of saying he did not wake up. On Christmas eve of my fourth class year they turned out the whole annex, and we fell in in a squad and marched around the yard, after midnight, some time. It was snowing at the time. We went right directly by this row and down to the gymnasium. They were calling "Hep, hep, hep," all the time. We marched right up to the window of the officer in charge. His room was on the rear side of the old quarters, which would be on this side. We came directly under his window at that time of night.

Mr. PADGETT. Was that a case of hazing?

Midshipman HAYES. I should think you could call it that, sir. We were turned out by two midshipmen, upper class men—one a first class man and one a third class man.

Mr. PADGETT. The whole class was brought out at midnight?

Midshipman HAYES. Yes, sir.

Mr. PADGETT. You do not know of any officer who knew of it?

Midshipman HAYES. I do not even remember who was on duty at the time, sir.

Mr. PADGETT. When was that?

Midshipman HAYES. Christmas eve of 1902, sir.

Mr. PADGETT. Do you know of any case last year, the last academic year, or so far in the present academic year, of any midshipman who has been hazed or run, that was known to an officer who has neglected to report it?

Midshipman HAYES. No, sir; I do not.

Mr. PADGETT. Do you know of any instances of rumors among the midshipmen that such has been the case?

Midshipman HAYES. I heard one rumor, sir.

Mr. PADGETT. I do not mean an idle rumor, but I mean one that was generally circulated among the young men, and that was accepted as well grounded?

Midshipman HAYES. The rumor I heard was exploded afterwards by the fact that it was a classmate of mine who was making a test. I remember now. A classmate of mine, Mr. Moses, was making a test at the time of this Kimbrough trial, that he could go on his head for twenty minutes consecutively, when the officer in charge walked into the room. The rumor was circulated that he had noticed hazing and had not reported it. But it was found out afterwards that it was a first class man and not a plebe.

Mr. DAWSON. And it was voluntary?

Midshipman HAYES. Yes, sir; he had gone thirteen minutes.

Mr. PADGETT. Have you heard among the midshipmen of the school any instances where it was generally believed there was a case where an officer knew of hazing or running and had neglected to report it?

Midshipman HAYES. No, sir; I have not.

Mr. DAWSON. What is your opinion with regard to the discipline of this academy during the last academic year, as compared with the present academic year?

Midshipman HAYES. I think we have a higher standard of discipline here now.

Mr. DAWSON. You think the discipline is more rigid now than it was during the last year?

Midshipman HAYES. Yes, sir.

Mr. DAWSON. Has this been a gradual growth, or has it prevailed from the beginning of the present academic year?

Midshipman HAYES. It began with the beginning of this academic year.

Mr. DAWSON. The discipline was made more rigid?

Midshipman HAYES. More rigid; yes, sir.

Mr. PADGETT. Are the midshipmen observing the rules of discipline out of respect and regard for the discipline or through fear of punishment?

Midshipman HAYES. I think more from fear of punishment now, sir, than anything else.

Mr. PADGETT. Do you think that there is or is not among the midshipmen a desire and a purpose upon their part to observe the discipline from a sense of duty or of obligation?

Midshipman HAYES. I think it is growing right along, sir, to that extent. At the very beginning of this year it was done because he had to do it, but after that it began to grow along, and I can not say now how it is up there at all.

Mr. PADGETT. I am speaking about up to your time of leaving.

Midshipman HAYES. Up to my time I think it had grown so that we did it because we got used to it, in a measure, and it was not hard. We saw that it was necessary, and it was done.

Mr. PADGETT. In other words, do I understand you to mean that if there was no punishment to be inflicted under the rules they would not observe the discipline?

Midshipman HAYES. No, sir. I think now, with the way they have got the academy now, they would observe the discipline.

Mr. PADGETT. At one time, though, you think they would not have done so, except through a sense of fear?

Midshipman HAYES. I think at the beginning of this year things did not look very well for that.

Mr. GREGG. In what respect do you think the discipline has improved—this year's discipline?

Midshipman HAYES. There are fewer large punishments now, sir. The people do not break the regulations for very large offenses, as they used to. There are not so many of those. There are plenty of little cases—that it is almost impossible to avoid—such things as carelessness about the room, or something of that sort. That is not, practically, breaking a regulation. It is just impossible to avoid that. Of course, it is breaking a regulation, but as far as large crimes go, I do not think there are any of those left now.

Mr. GREGG. Do you think that is enforced through the cadet officers and cadet petty officers?

Midshipman HAYES. I think they have something to do with it, sir.

Mr. GREGG. They have improved the discipline?

Midshipman HAYES. I think they have.

Mr. GREGG. Their sense of duty has been improved, and they have improved the discipline.

Midshipman HAYES. Yes, sir.

Mr. GREGG. How does it happen that there has not been a single report during this year, for hazing, by a cadet officer or petty officer?

Midshipman HAYES. There was this Branch-Meriwether trouble, and then the Kimbrough trouble, and then the board of inquiry. Then the class of 1906, my class, had a meeting and decided that there would be no more hazing, and from that time on there was no more hazing or running, in the broadest sense of the word.

Mr. GREGG. Is that the time from which the officers began doing their duty—the time you had that meeting?

Midshipman HAYES. No; they started the board of inquiry before that.

Mr. GREGG. At the time you had the meeting, is not that the date from which this strict discipline has proceeded—the date at which it began?

Midshipman HAYES. With regard to hazing, you mean?

Mr. GREGG. Yes.

Midshipman HAYES. Yes; from that time when we had a voluntary meeting there was no more hazing.

Mr. GREGG. Up to that time the cadet officers and cadet petty officers enforced no discipline, did they?

Midshipman HAYES. They winked at hazing. There was discipline in all other respects. From that time on they stopped it absolutely.

Mr. GREGG. Up to that time the cadet officers and cadet petty officers absolutely did not enforce that law?

Midshipman HAYES. Not that one.

Mr. DAWSON. Have you any evidence that the discipline officers of this academy have winked at hazing during the present academic year?

Midshipman HAYES. No, sir; I have not, except that they can see them sitting up straight at the tables—if that is considered under hazing, and I believe it is. They can see that from the seat in the mess hall.

Mr. PADGETT. Are the members of the first class, before graduation, permitted to smoke?

Midshipman HAYES. Yes, sir; they are.

Mr. PADGETT. At what time does that begin—that right or privilege?

Midshipman HAYES. That first started in the institution——

Mr. PADGETT. I am not talking about that, but about when it began.

Midshipman HAYES. It started in the class of 1904, when they became the senior class, at graduation, in 1903. It begins a day or so after the graduation of one class, and then the next class begins it. It was started by Admiral Brownson. We have had the privilege of smoking since the graduation of the class in 1905.

Mr. PADGETT. So the graduating class has a right to smoke from the preceding graduation?

Midshipman HAYES. From the publication of the order, sir. It may be a day or so afterwards.

Mr. PADGETT. It runs from one to the other?

Midshipman HAYES. From one to the other, right down.

Mr. PADGETT. Smoking is absolutely prohibited to the other three classes?

Midshipman HAYES. Yes, sir.

Mr. DAWSON. This privilege is given you by an order?

Midshipman HAYES. By an order of the superintendent; yes, sir.

The CHAIRMAN. Can you tell us anything about the rates in force here, Mr. Hayes?

Midshipman HAYES. Yes, sir. The rate committee of the class of 1906, which just graduated, fixed these rates. These are the written rates in effect around the Naval Academy during our class year.

The CHAIRMAN. That is, you make them at the beginning of the year?

Midshipman HAYES. On graduation; yes, sir.

Mr. DAWSON. The first class appoints all rates every year?

Midshipman HAYES. Throughout the academy; yes, sir. The first is: "The youngster class will rate sailing launches, catboats, and half raters Nos. 3 and 4."

Then: "The youngster class will not rate steam launches."

Then: "The youngster class will rate using the three tennis courts nearest to Bancroft Hall, but either class may use unoccupied courts of the other class under the provision that they will vacate the court immediately when members of the class rating the court desires to use the same."

That is a disposition of the tennis courts here.

"The captains of class baseball teams shall decide upon the use of practice diamonds for class practice during baseball season."

"The walks now known as second class walks shall hereafter be the rate of the senior class."

"The walks now known as first class walks shall be second class walks, but may be used by the youngster class after its graduation."

That is, the third class.

"Classes shall take precedence at pay office in order of their seniority."

Then we have another that has been scratched out since we have been here, but I will give you that:

"Rates in buildings shall be made by senior midshipmen quartered in their respective buildings."

Then: "Youngster class will rate second class bench after graduation."

Then here is one that applies to the mess hall:

"No text-books, periodicals, newspapers, or notes of any description shall be brought into the mess hall unless by special permission each time from the head of the mess."

"No class shall look at any upper class bulletin boards."

The CHAIRMAN. Do they have bulletin boards of their own?

Midshipman HAYES. Each class has a bulletin board.

"Throwing bread in the mess hall is a first class rate."

"Unbuttoning blouses or dress jackets in mess hall is a second class rate, not to be given to the youngster class on its graduation."

At the beginning of the year the rate committee got together and made rates applying to Bancroft Hall. These others stood with this addition:

"Second, third, and fourth classes shall observe their days at the barber shop; that is, second and third classes Mondays, Wednesdays, and Fridays; fourth class Tuesdays, Thursdays, and Saturdays; first class go on any day, and shall always take precedence."

That is practically a copy of the regulation book, except that we took any time that we wanted to go. I believe they settled that one by an order to the barbers.

“Third and fourth class going to basement under terraces in the rear of quarters shall never use wing doors.”

After we made this rate, I think an order was published to the same effect.

The CHAIRMAN. On account of the crowd?

Midshipman HAYES. On account of the congestion at the doors.

“First class only shall use side aisles of mess hall.” That is an old rate.

“Fourth class men shall go through recreation hall to meal formation.”

That was never enforced. We cut that out.

Those are the only rates we have in existence at the Naval Academy here now.

The CHAIRMAN. I understand some of these rates are to be recognized in the new regulations, and made official?

Midshipman HAYES. Some of those rates, I know, do not amount to much. I know that throwing bread in the mess hall is a childish rate, but the others, such as relating to the wing doors, is made to avoid congestion at the doors. Then the rate that the third class shall not use steam launches. Of course, the fourth class are not allowed to use steam launches, simply because they have not had steam-launch drill, and they know nothing about them. Most of the rates are made up with that idea. They are made with an idea of fairness, and to avoid trouble between the classes.

The CHAIRMAN. I think it is understood by everyone that the upper classes are entitled to some extra privileges over the under classes.

Mr. PADGETT. What about the rate as to Lover's Lane?

Midshipman HAYES. Lover's Lane is a gravel walk out here, and fourth class men are not supposed to be allowed to use it. All others can use it. It is particularly a third class rate. It is not written or recognized, but the third class usually use it. But every other class may use it.

Mr. GREGG. What about turning sharp corners?

Midshipman HAYES. That word “rate” is very much abused. It is applied to things that are not rates.

Mr. GREGG. Is not that the trouble with any of those things, that they will be abused? Is not that the trouble with hazing? That is not a rate, but it is a practice. About turning sharp corners—they are not allowed to take short cuts?

Midshipman HAYES. I saw some of them this morning taking short cuts. This the first time I have been out for a week.

Mr. GREGG. It has been a custom, heretofore, though?

Midshipman HAYES. Always; yes, sir.

STATEMENT OF MIDSHIPMAN FRANK HAMILTON ROBERTS, U. S. NAVY.

Midshipman FRANK HAMILTON ROBERTS, U. S. Navy, having been first duly sworn, testified as follows:

The CHAIRMAN. What is your full name?

Midshipman ROBERTS. Frank Hamilton Roberts.

The CHAIRMAN. What State are you from?

Midshipman ROBERTS. Connecticut.

The CHAIRMAN. We understand that you are under detention at present, relative to some charges supposed to be touching your conduct. We have no desire to inquire into anything relative to that, nor to ask any questions which might relate directly to it. If any such are inadvertently asked, they will be stricken out of the testimony.

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. In other words, we are not desirous of getting any testimony which would tend to furnish evidence in relation to your case.

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. In case evidence should ever be called for.

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. You came into the academy in 1902?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. Did physical hazing prevail then?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. About the same practices that prevail now?

Midshipman ROBERTS. Yes, sir; just the same.

The CHAIRMAN. Of about the same severity, or mildness?

Midshipman ROBERTS. I saw more of it then, as I was a plebe. I can only state what I have done myself this year.

The CHAIRMAN. Were there any cases resulting in serious injury while you were in your freshman year?

Midshipman ROBERTS. No, sir; I do not remember any.

The CHAIRMAN. Have any practices been added on since you were in your plebe year?

Midshipman ROBERTS. No, sir; no physical stunts.

The CHAIRMAN. Do you have some additional practices under the head of running?

Midshipman ROBERTS. Well, yes, sir; I have seen new ones.

The CHAIRMAN. Were you hazed some when you were here?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. In your first year?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. Was hazing handed out quite impartially to all the plebes that year.

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. None of them were omitted or neglected?

Midshipman ROBERTS. No, sir.

The CHAIRMAN. Has the definition of hazing changed, as it is understood to-day, from what it was in your plebe year?

Midshipman ROBERTS. I never understood the definition of hazing as they give it now.

The CHAIRMAN. What did you understand?

Midshipman ROBERTS. It was called running when we came here.

The CHAIRMAN. It was all called running. and none of it was called hazing?

Midshipman ROBERTS. No, sir.

The CHAIRMAN. If you were required to do the "16th," or the leaning rest, or hanging on the locker, that was considered running?

Midshipman ROBERTS. Running, when I came here.

The CHAIRMAN. Hazing had fallen into disuse then, had it, and running was substituted for it?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. When you were a plebe, did a practice of requiring services of an under class man prevail—the fourth class man?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. What were some of the services you had to do?

Midshipman ROBERTS. Principally at the table. I used to report the dessert each dinner, report the number of days to the football game until it came, and from then to graduation. Then we had to tell stories every day.

The CHAIRMAN. But that really was not menial service?

Midshipman ROBERTS. No, sir.

The CHAIRMAN. I find in a good many instances during the past year under class men have been required to bring up food from the mess room to the upper class men, first class men. They have been required to come around to rooms and wind up the clocks or waken upper class men in the morning, and in some instances to make up their laundry, and to take care of it when it came back and put it in the locker in its proper shape. Did those customs prevail when you were a freshman here?

Midshipman ROBERTS. Yes, sir; I do not know that I have done them, but I have seen them.

The CHAIRMAN. What was that called? Was it under the head of running, also?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. You never used the term fagging, as applied to that?

Midshipman ROBERTS. No, sir.

The CHAIRMAN. This running, as you understand it, has prevailed every year since your freshman year?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. Has it increased or decreased, or remained about the same?

Midshipman ROBERTS. It decreased, when Admiral Brownson was here.

The CHAIRMAN. Running decreased, or physical hazing?

Midshipman ROBERTS. Physical hazing. They had running, such as asking the plebe questions at the table.

The CHAIRMAN. What do they call sending a man under the table; running or hazing?

Midshipman ROBERTS. I should call it running, sir.

The CHAIRMAN. It would not be a physical stunt, of itself, or injurious?

Midshipman ROBERTS. No, sir.

The CHAIRMAN. That would be running. There never was any agreement made while Admiral Brownson was here as to running? That applied to physical hazing?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. So that running, as applied to the practices I have named, or the practices requiring stories to be told, had prevailed every year since you have been here?

Midshipman ROBERTS. Yes, sir; but I never saw a man go under the table after we gave the promise to Admiral Brownson.

The CHAIRMAN. That has been practiced during the present school year?

Midshipman ROBERTS. Yes, sir; since Admiral Sands has been here.

The CHAIRMAN. Why was it not during the preceding year?

Midshipman ROBERTS. The class gave their word not to haze.

The CHAIRMAN. But that was as to physical hazing.

Midshipman ROBERTS. They took it, or at least I took it, to mean that you should not interfere with the plebes in such a way as to discomfort them, I should think.

The CHAIRMAN. It applied to physical exercises, did it not?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. That is what the agreement related to, as you understood it?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. Sending a man under the table would not be a physical exercise?

Midshipman ROBERTS. I should not consider it so, but it was done away with when Admiral Brownson was here.

The CHAIRMAN. You mean so far as you noticed?

Midshipman ROBERTS. So far as I noticed.

The CHAIRMAN. You would not undertake to say that men were not sent under the table last year?

Midshipman ROBERTS. No, sir; I would not say that.

The CHAIRMAN. All other forms of running prevailed except physical exercises last year?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. In consideration of giving your pledge not to practice physical hazing, were any additional privileges permitted to any of the class men? Were the upper class men or first class men allowed to smoke, where they formerly had not been permitted to?

Midshipman ROBERTS. That was allowed to first class men. I do not know that it was a direct result of that. The first class were allowed to have better liberty.

The CHAIRMAN. You did not have to sign the liberty book?

Midshipman ROBERTS. No, sir.

The CHAIRMAN. What other practices were included in this pledge? Gouging?

Midshipman ROBERTS. No, sir; that was in a separate pledge, sir.

The CHAIRMAN. What pledges were given, then?

Midshipman ROBERTS. Our class gave a pledge not to gouge, and to knock off hazing.

The CHAIRMAN. And frenching?

Midshipman ROBERTS. And to knock off frenching. When we did that we were excused from signing the liberty book.

The CHAIRMAN. During your plebe year here, Mr. Roberts, did you understand that hazing was forbidden by the rules of the academy, and running, as you understood it then?

Midshipman ROBERTS. I considered that the same as breaking any small regulation—100 demerits if it was a large offense.

The CHAIRMAN. You considered it one of the rules of the academy?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. Did the plebes in your class generally understand that it was the law of the country, or did they think it was a mere regulation of the academy?

Midshipman ROBERTS. I thought it was a regulation. I can not say what they thought.

The CHAIRMAN. When did you first learn that it was a law of the United States?

Midshipman ROBERTS. Why, when three first class men, Little, Laughlin, and Chaffee were court-martialed.

The CHAIRMAN. In 1904?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. Do you think that before the dismissal of those three class men the body of midshipmen understood that it was anything more than a regulation of the academy?

Midshipman ROBERTS. I do not believe they did, sir.

The CHAIRMAN. How many class fights do you think have taken place during your stay here—three years and three-quarters.

Midshipman ROBERTS. I know of three that have taken place. They keep them kind of quiet, since this investigation when midshipman Fitch testified that he had been in nineteen. That is the extent of my knowledge.

The CHAIRMAN. Those were not all class fights?

Midshipman ROBERTS. No, sir. I know three, and that is all I know of.

The CHAIRMAN. How many fights of all kinds do you think have taken place in the time—a little less than four years—that you have been here? Thirty, forty, fifty, sixty, seventy?

Midshipman ROBERTS. The only fights I ever knew about were the three, and the nineteen that he spoke about in the investigation.

The CHAIRMAN. I suppose the news of a fight was of a character that spread quite readily around among the boys?

Midshipman ROBERTS. They seemed to keep them quiet.

The CHAIRMAN. As far as you know, then, the body of the students do not know about the majority of the fights?

Midshipman ROBERTS. No, sir; I do not think they do, sir.

The CHAIRMAN. Do you make a distinction between class fights and other kinds of personal encounters?

Midshipman ROBERTS. Yes, sir; I do.

The CHAIRMAN. What is the difference in your mind?

Midshipman ROBERTS. A personal encounter can be between the members of different classes, but it is because the two gentlemen get sore at each other; but a class fight is where—for instance, in my plebe year a man named Pearson, in my class, was caught frenching. It is not supposed to be a plebe rate, and the class above him took up the matter. He got to saying one thing and then another, and as a result they picked a man in the third class to scrap him.

The CHAIRMAN. Class fighting is the weapon of the upper class men to enforce their rules in relation to running and hazing?

Midshipman ROBERTS. Yes, sir.

Mr. PADGETT. Did I understand you to say that frenching was a rate, and was denied to fourth class men?

Midshipman ROBERTS. Yes, sir; it was in my plebe year. That is what Pearson's trouble was.

Mr. PADGETT. Is it still a rate?

Midshipman ROBERTS. No, sir; I do not think anybody frenches now.

Mr. PADGETT. When did it cease to be a rate to french?

Midshipman ROBERTS. It came separately with the classes. They promised Admiral Brownson that they would not french. When the

first class gave their promise, it would be hard for under class men to get out without our knowing it—although in the present third class I know some men that are frenching out this year. They are taking big chances.

Mr. PADGETT. While we are on that subject, with your permission, Mr. Chairman, if a fourth class man gets 50 demerits for being in citizen's clothing and 50 demerits for being outside of the academy grounds without a permit, does that mean that he has been frenching?

Midshipman ROBERTS. Yes, sir; I would take it that if he is reported for being outside of the academy limits without authority that would be considered frenching.

Mr. PADGETT. That is frenching?

Midshipman ROBERTS. Yes, sir.

Mr. PADGETT. So if a fourth class man was doing that he would be violating a rate among the boys as well as the regulations of the institution?

Midshipman ROBERTS. Yes, sir.

Mr. PADGETT. But if the upper classes make a rate to go out of the academy grounds without authority it is only a question with them of being caught?

Midshipman ROBERTS. Yes, sir; some rates are like that and others are not.

Mr. PADGETT. That particular one I was speaking of?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. Is it your understanding, Mr. Roberts, that last year when your agreement prevailed as to physical hazing no particular attention was paid by the naval officers as to forms of running outside of physical hazing?

Midshipman ROBERTS. No, sir; I never saw them interfere much in any way.

The CHAIRMAN. There was no physical hazing to interfere with?

Midshipman ROBERTS. No, sir.

The CHAIRMAN. And the other forms which remained, and which fell outside of the agreement, the disciplinary officers paid no special attention to?

Midshipman ROBERTS. No, sir.

The CHAIRMAN. Do you think they had knowledge of these other practices under the head of running?

Midshipman ROBERTS. Yes, sir; I believe they had, sir.

The CHAIRMAN. And, of course, they had knowledge of the rates, because that is evident to anyone. Have you any instances in mind of cases of running coming to the attention of any of these disciplinary officers—Mr. Gelm or Mr. Buchanan or any of the rest of them—in which no punishment was inflicted?

Midshipman ROBERTS. I have a few, but I do not know the distinction between hazing and running.

The CHAIRMAN. Give us what you have.

Midshipman ROBERTS. In my plebe year McNair was a first class man. He turned us out one night, Christmas night, when it was snowing—the first snowfall of the year. We were living in Annex B, this side of the old main quarters. The word was passed to put on our shoes. I put on my shoes and pajamas and managed to get a sweater on. He made us fall in and marched us down to the sea wall. He was yelling "Step" each time for the left foot, loud enough to

wake the plebes in those quarters over here. They knew about it in the morning. The officer in charge was asleep. I thought he would be wakened up by it, but he never said anything about it.

The CHAIRMAN. That was in 1902?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. What other instances do you remember?

Midshipman ROBERTS. There was a similar instance in which Midshipman Haywood turned us out in the same way about a month later.

Admiral Brownson sort of officially told the midshipman officer of the day to give the plebes setting-up exercises during dancing instruction at one time. They used to go down and cause such a disturbance that the dancing master could not keep them in hand right after we promised to knock off hazing. That continued for a week. They gave them setting-up exercises as hard as any physical stunts in hazing.

The CHAIRMAN. That would be hazing if done in an unauthorized manner?

Midshipman ROBERTS. Yes, sir. In my plebe year Lieutenant McKean threatened to stand a midshipman on his head in the corner of the section room. I suppose it was a joke on his part. He did not do it.

Mr. GREGG. Was he mad at the time?

Midshipman ROBERTS. No, sir; it impressed me more as a joke than anything else. Mr. Clark, who was my roommate before he graduated, was the officer of the day at one time in his plebe summer while the upper classes were on practice cruise. There were 35 plebes here. Lieutenant Garrison was officer in charge in the mess hall. Some midshipmen were raising a disturbance—loud talking or something—and he made the remark to my roommate that when the first class, or the upper class men got back from the cruise there would not be any more of that. The year after that Midshipman Boyd—he is under arrest now for hazing—had a similar experience. He was on duty in Annex B. He made his taps inspection, and went back over to the old quarters to report to the officer in charge. He got back and found his bed torn up; somebody was playing a joke on him. He went and told the officer in charge, Lieutenant-Commander Evans—I think he is in the Asiatic Station now—and Lieutenant-Commander Evans came over and made all these midshipmen get into dress uniforms and stand up right after taps. He made them stand there at attention. About 1 o'clock 10 of them fell out and had to be carried to the hospital. About that time they commenced dropping fast, and he dismissed them, and they went back to their rooms.

The CHAIRMAN. What year was that?

Midshipman ROBERTS. 1903, sir. Another thing: Lieutenant-Commander Magruder came over to Mr. Mayo when he was in trouble. It grew out of this Snyder case. He advised Mr. Mayo to plead guilty, and he said clemency would be recommended if he did. Mr. Mayo did not do that, and he got acquitted.

The CHAIRMAN. How do you know that?

Midshipman ROBERTS. They had about a two-hour talk with him.

The CHAIRMAN. How did you know of that?

Midshipman ROBERTS. Mr. Mayo told me, and his lawyer told me—Mr. Theall. They were both there, and Mr. Mayo's father was there.

Mr. Mayo was a very intimate friend of mine, and I followed him right through his trouble.

The CHAIRMAN. Are there any other instances?

Midshipman ROBERTS. I had one more. I do not know that it would exactly come under that head. Everybody was turned out by the officer in charge and stood at attention. Mr. McNair was a first class man at the time, and he squirted a fire extinguisher on the officer in charge when he was asleep. He jumped out of the window and got back to his room all right. The midshipmen were turned out in dress uniform and stood up to find out who did it. He acknowledged it then. Mr. McNair was never punished for it.

The CHAIRMAN. Do you think it was reasonable for you boys to think, from all these instances of knowledge on the part of the officials and no punishment, that running, outside of physical stunts, was accepted and countenanced by the authorities?

Midshipman ROBERTS. Yes, sir; I believe it was.

The CHAIRMAN. Did you know of any instance of a cadet officer being punished for failure to report any of these exercises under the head of running or hazing outside of physical stunts?

Midshipman ROBERTS. I never heard of any being reported for that.

The CHAIRMAN. Up to the time of the Meriwether fight?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. Was that the first instance which you knew of since you have been here of cadet officers and those in attendance at a fight receiving demerits for failing to report?

Midshipman ROBERTS. Yes, sir; that is the first.

The CHAIRMAN. That is the first instance during your stay here?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. Were you a cadet officer?

Midshipman ROBERTS. Yes, sir; I was last term.

The CHAIRMAN. How do you account for the fact that it had grown to be the custom or code of honor among the cadet officers not to report these violations of duty, especially of their own classmates? That is a failure of discipline, is it not?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. They are in authority; they are in command; they are supposed and required to report cases of infractions or violations of regulations. How had it come about that this system of discipline had fallen down—had fallen into disuse?

Midshipman ROBERTS. When I first came here that was the tradition of the place.

The CHAIRMAN. What is that?

Midshipman ROBERTS. That they had these reports, in my plebe year. In my plebe year a first class man was away from the academy for three days, that I know of. He was reported absent from recitations and everything, but the officer of the day would tear them up when they came to the office.

The CHAIRMAN. The naval officer of the day?

Midshipman ROBERTS. No; the cadet officer. There was something said about it. They caught on to it one of these times, and they threatened to disrate a lieutenant of the second company, Lieutenant Smythe. He was at the head of my table. He was very emphatic. He said he would rather be disrated any time than to report a classmate for anything like that. I think it was in full sway when I came.

The CHAIRMAN. And has been so ever since?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. That was the code of honor that prevailed, and the boys learned as they came in that their duty was rather to protect their classmates than as officers to report breaches of discipline or of the regulations?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. During the present year, when all of these things under the term hazing were taking place, the disciplinary officers knew of it prior to the 14th of October, say, or the 1st of October, and up to the 20th of November?

Midshipman ROBERTS. I could not say that they did. Most of it is done when they are not around. I do not know of any cases where they saw deliberate hazing right in front of them.

The CHAIRMAN. In the mess hall we have many instances of midshipmen being sent under the table, being made to sit on the edge of the chair, and being interfered with in different manners. There is a disciplinary officer in the room?

Midshipman ROBERTS. Yes, sir; in the center of the mess hall.

The CHAIRMAN. Could these things take place and he not know of it?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. It was a very large hall?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. Is there much noise?

Midshipman ROBERTS. Not so very much.

The CHAIRMAN. There are a good many waiters moving about and handling dishes, and the boys are permitted to converse?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. All of that must make a good deal of noise, I take it, with eight or nine hundred of them?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. You would have to shout to attract attention?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. The naval officer sits in the middle of the parallelogram?

Midshipman ROBERTS. Yes, sir; in the middle.

The CHAIRMAN. Do you think boys could be sent under the table and made to sit on the edge of their chairs and he know nothing about it?

Midshipman ROBERTS. Yes, sir; except at the tables right near him.

The CHAIRMAN. Is his back necessarily turned to quite a number of the tables in the room?

Midshipman ROBERTS. To half of them, sir.

The CHAIRMAN. Do the midshipmen here, Mr. Roberts, know that the almost universal opinion of the people of the United States and of Congress is that hazing is a very bad practice, which is pretty sure to end in disaster?

Midshipman ROBERTS. They do now, sir.

The CHAIRMAN. They do now, since seeing the results of hazing here this fall?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. What is your personal opinion of it, as a system, in view of all you have seen since you have been here?

Midshipman ROBERTS. What I used to say, and what will say now, is, that, if I were to go through this place again, I would rather take hazing in my plebe year.

The CHAIRMAN. So that you would have the privilege of being the hazer during the three years?

Midshipman ROBERTS. Yes, sir; that is part of the reason.

The CHAIRMAN. Did you ever send any boys under the table?

Midshipman ROBERTS. No, sir.

The CHAIRMAN. Why not?

Midshipman ROBERTS. I sat two tables away from the officer in charge.

The CHAIRMAN. You could not give a better reason. What benefit do you think comes to the fourth class man from being stood on his head, say, three or four hundred times?

Midshipman ROBERTS. If he went that many times it would be something serious, and I guess he would not do it again.

The CHAIRMAN. He would not do what again?

Midshipman ROBERTS. Whatever caused him to be put up. I do not know of any man ever being stuck on his head without some good cause for it. At least I have never heard of such a case.

The CHAIRMAN. For instance, if he refused to come around and take care of an upper class man's laundry, that would be a good cause?

Midshipman ROBERTS. I do not think that would be a good cause to put him up 300 times.

The CHAIRMAN. How many would you put him up for that?

Midshipman ROBERTS. I would not put him up for that.

The CHAIRMAN. If an upper class man should order a fourth class man to come around and look after his laundry and the fourth class man refused to do it, it would be proper for the upper class man to haze him, under the system, would it not?

Midshipman ROBERTS. Yes, sir; he could if he wished to.

The CHAIRMAN. Yes; it would be entirely proper then?

Midshipman ROBERTS. I should judge the number of times he would be liable to be put on his head would be according to the manner in which he said he would not do it, and the way it impressed the upper class man.

The CHAIRMAN. According to your understanding, what is the principal benefit of hazing? Is most of it for the benefit of the under class man who is hazed?

Midshipman ROBERTS. I should say part of it is for his benefit, sir.

The CHAIRMAN. Half of it?

Midshipman ROBERTS. More than half.

The CHAIRMAN. Two-thirds?

Midshipman ROBERTS. If you come down to numbers, I should say at least two-thirds. The upper class man gets a little pleasure out of it, and the other one gets the good out of it.

The CHAIRMAN. The other one-third is for the amusement or entertainment of the upper class man?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. Or to show the authority which they maintain they have over the under class man?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. By and by, when you are in command of a ship—if you enter the service of the United States and get command of a

ship—and have four or five hundred men under you, and some of the naval regulations do not suit them, or some of your orders do not suit them, it would be entirely appropriate for them to change them, would it not, and substitute some of their own?

Midshipman ROBERTS. Not if I was in command of the ship, I do not think so, sir.

The CHAIRMAN. Would it be proper for them?

Midshipman ROBERTS. No, sir.

The CHAIRMAN. They should be punished for it, should they not, if they attempted it?

Midshipman ROBERTS. If it was serious enough I would punish them.

The CHAIRMAN. You would punish them to some extent for any violation of the naval regulations or of your orders, would you not?

Midshipman ROBERTS. Yes, sir; I would.

The CHAIRMAN. You would make the punishment according to the offense?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. How then, do you conclude that it is proper for young men who are being educated as officers to enforce the laws, and to obey the laws themselves, in violation of the rules and regulations of the academy and of the laws of the United States, to themselves take the law into their own hands and make such changes as they see fit? How do you justify it in the one case any more than in the other?

Mr. ROBERTS. Well, this is a school, and it has its traditions like any other school does. The service is the service from beginning to end. This school has regulations drawn up concerning these minor offenses and they give a certain number of demerits for certain things, and they are bound to be broken.

The CHAIRMAN. Where a tradition happens to run up against the laws of the United States the tradition wins?

Midshipman ROBERTS. No, sir; I should not think so. I do not think the midshipmen understood that it was against the laws of the country.

The CHAIRMAN. Is it not one special tradition of the Naval Academy that members of the first class alone, who were about to take upon themselves the authority of naval officers, should not haze?

Midshipman ROBERTS. Not that I know of, sir. You say that is a tradition?

The CHAIRMAN. Yes; I say that is a tradition of this academy. If you talk with the older naval officers who have graduated from this academy, they will tell you that in their day there never was such a thing thought of as that a first class man should be so undignified as to haze a fourth class man. They had their rates. They insisted upon their privileges; but the hazing of fourth class men, they tell me, was unknown.

Midshipman ROBERTS. I was hazed by first class men when I came here, and that is the only way I can tell.

The CHAIRMAN. It prevailed, then, in your time, within four years?

Midshipman ROBERTS. Yes, sir.

The CHAIRMAN. Well, that shows that the system is growing. If

you were to remain here another year, Mr. Roberts, you would stand up then for the hazing system?

Midshipman ROBERTS. No, sir; not after this has happened.

The CHAIRMAN. I think that is all, Mr. Roberts.

The subcommittee, at 5.25 o'clock p. m., adjourned until Friday, February 23, 1906, at 10 o'clock a. m.

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., Friday, February 23, 1906.

The subcommittee met at 10 o'clock a. m., Hon. E. B. Vreeland in the chair.

STATEMENT OF SURG. JAMES C. BYRNES, U. S. NAVY.

Surg. JAMES C. BYRNES, U. S. Navy, appeared before the subcommittee.

Surgeon BYRNES. Mr. Chairman, this is a memorandum that you asked Doctor Stone to supply. He had not the time to do so, so I have brought it to you.

The memorandum above referred to is as follows:

SICK QUARTERS—MEMORANDUM.

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., February 19, 1906.

Number of cases admitted to sick quarters as the result of fighting among midshipmen from October 1, 1904, to present date.

Class.	Date of admission.	Nature of injury.	Class.	Date of admission.	Nature of injury.
1	Nov. 1, 1904	Face bruised.	4	Feb. 22, 1905	Eyes injured.
2	Jan. 31, 1905	Do.	4	Mar. 20, 1905	Injury to both eyes.
4	Feb. 1, 1905	Do.	4do.....	Do.
4	Feb. 13, 1905	Black eyes.	3	Nov. 6, 1905	Sprained shoulder.
2do.....	Do.	2do.....	Hemorrhage of brain; died.
4	Feb. 22, 1905	Eyes injured.			

The above is a correct list of all injuries following fighting for which midshipmen were admitted to the sick list.

J. C. BYRNES,
Surgeon, U. S. Navy, Senior Medical Officer.

The CHAIRMAN. Doctor, your appearance here is by direction of the President and Secretary of the Navy, through the superintendent of the academy, that all officers attached to the academy shall appear before this subcommittee of the Naval Committee of the House of Representatives and give such information as they can respecting the discipline and management of the academy, especially as it relates to hazing. We do not, therefore, administer the oath to officers, considering that they are appearing before the committee in pursuance of their duty.

You are the senior officer at the sick quarters?

Surgeon BYRNES. Yes, sir; I am the senior officer of the station, the entire station, which includes the academy, the ships, and the marine barracks:

The CHAIRMAN. How many do you have in your staff?

Surgeon BYRNES. At this time I have three assistants. I usually have four. One of my assistants, Doctor Stone, was detached, and his relief has not reported as yet; and another medical officer is on leave of absence.

The CHAIRMAN. Do all of the surgeons stay at the sick quarters?

Surgeon BYRNES. No, sir; they are all provided with quarters within the academic limits—one of them living outside.

The CHAIRMAN. One of the surgeons is detailed to stay at the gymnasium most of the time while the classes are exercising?

Surgeon BYRNES. Yes, sir; he has absolute charge of that work.

The CHAIRMAN. He is always there?

Surgeon BYRNES. Yes, sir; at all drills and exercises there is a medical officer present, detailed for that purpose.

The CHAIRMAN. So that if injuries are received he is there on the spot to look after them?

Surgeon BYRNES. Yes, sir; and not only that, but we have "first aids to the wounded," and hospital nurses, to aid the medical officer there in charge.

The CHAIRMAN. If a boy comes into the sick quarters with a couple of black eyes, tell us what would be the procedure, doctor?

Surgeon BYRNES. The first object would be to ascertain the cause. The boy is first entered in the journal. his name, age, and the place from which he was appointed, the diagnosis of the case, and then the cause. If it is caused from some injury other than fighting it is entered "in the line of duty," and the reason is given why that entry is made. If it is the result of a fight it is so stated, that the disease or injury did not result in the line of duty, but is the result of a fist fight. That is entered in the medical journal of the station.

The CHAIRMAN. If some other midshipman had assaulted this young man who came in, and injured him, would he not be injured in the line of duty?

Surgeon BYRNES. That is, if the party injured was not a participant. If it were a matter that had been arranged between themselves, and he was a participant, then it could not come as in the line of duty.

The CHAIRMAN. After he was assaulted he might have struck back?

Surgeon BYRNES. Yes; that might have happened.

The CHAIRMAN. Do all the surgeons in the Department understand it as you testify, that in all cases they are to inquire into the nature and source of the injury, whether they need such information in treating the case or not?

Surgeon BYRNES. It is required under the regulations. The regulations, I think, for the government of the Navy, and such instructions as we receive from the Bureau of Medicine and Surgery of the Navy Department, require it. All the records kept here, all the medical journals, when closed, are sent to Washington and put in the archives pertaining to the Pension Division, so that if in the future there is a claim for pension this record is there; for which reason all causes that enter into the disease or injury must be recorded in the medical journal, which is open to the inspection of the commanding officer of the station or the commanding officer of the ship at any moment he desires to see it.

The CHAIRMAN. Might not an injury be entered as a severe con-

tusion of the right eye, or discoloration, without putting down or making any inquiries as to the manner in which it is received?

Surgeon BYRNES. It might be done, but it would be a direct violation of the regulations, and I think no medical officer would do it.

The CHAIRMAN. In all cases inquiry would be made as to the origin of the injury?

Surgeon BYRNES. Yes, sir.

The CHAIRMAN. And that would be entered in the medical journal?

Surgeon BYRNES. That would be entered in the medical journal.

The CHAIRMAN. What then would be done with it?

Surgeon BYRNES. Then after the entry is made there, in making out the morning report to the senior officer present, the name of that midshipman is entered upon the report as sick, and his diagnosis is there stated. If he has a black eye, it is a black eye; if he has a broken nose, it is a broken nose. It is put in plain English. There is no attempt made to enter it according to the nomenclature followed in the entries in the medical journal.

The CHAIRMAN. That goes to whom?

Surgeon BYRNES. To the senior officer in command of the station, ship, or here. Here our reports go to the superintendent direct.

The CHAIRMAN. See if you agree with Surgeon Stone's testimony on that, Doctor.

Surgeon STONE. If anyone is admitted after the sick call in the morning his name is sent down to the commandant, to let them know there that he is in the hospital.

The CHAIRMAN. What would your report to the commandant be?

Surgeon STONE. Simply his name and class.

The CHAIRMAN. Anything about the injury?

Surgeon STONE. No, sir.

The CHAIRMAN. Anything about how he received it?

Surgeon STONE. No, sir.

The CHAIRMAN. Is any inquiry made by you as to how he received it?

Surgeon STONE. There would naturally be some inquiry if it was not self-evident.

The CHAIRMAN. Were there any of them self-evident, as to how they happened?

Surgeon STONE. Oftentimes you can form a pretty good idea of how a thing has happened.

The CHAIRMAN. Do you ask the student?

Surgeon STONE. Oh, yes. We generally ask them, just as you would with any other patient, to get what history you can of the case.

That is, I assume he treats it as any doctor in ordinary practice would, getting whatever is necessary for the treatment of the case.

Surgeon BYRNES. Yes, sir; but our investigation must be more thorough than that.

The CHAIRMAN. There is the testimony of Doctor Stone as to his treatment. He is one of your surgeons?

Surgeon BYRNES. Yes, sir; he has just been detached. He is quite right about that. When these young gentlemen appear in the middle of the day, after the report has gone to the superintendent—and I take it for granted, in that answer, that the report has left the sick quarters and gone to the superintendent—we have what is known as an excuse slip. If the boy is injured or is ill enough to be admitted to sick quarters, or to occupy his room, we make up this printed excuse slip, giving the name and class, and send that to the commandant of midshipmen. The disposition of that case is taken up in the journal for that day and reported the following morning, with the injury or disease, to the superintendent, in the next morning report.

The CHAIRMAN. I do not think that applies, however, because the question preceding this, without going into all this testimony, is:

“When a boy comes in there with an injury, Doctor, tell us what the proceeding would be.” That is the foundation on which the question started. It does not relate to morning or night. The question is: When a boy comes in with an injury what would be done? These answers are in answer to that foundation question, so that it would have no particular reference to night or morning, but to a boy coming in with an injury at any time. You say he is right, do I understand, in saying that the report to the commandant would be simply as to the name and class?

Surgeon BYRNES. The name and class, and recommending that he be excused from all duties and be allowed to occupy his room or enter the sick quarters.

The CHAIRMAN. Is there anything about the disease?

Surgeon BYRNES. Not at that time.

The CHAIRMAN. What time would that be?

Surgeon BYRNES. After the sick report went to the superintendent.

The CHAIRMAN. How many reports do you make a day to the superintendent?

Surgeon BYRNES. Only one, unless there is a special case; then it goes immediately.

The CHAIRMAN. What do you mean?

Surgeon BYRNES. I mean something that is severe, as reported in this memorandum here. That was reported immediately. There have been only two cases in my time. I have not been here six months. On each occasion a written report was made immediately after I had made the diagnosis of the case.

The CHAIRMAN. You have only been here six months?

Surgeon BYRNES. I have not been here six months.

The CHAIRMAN. You say Surgeon Stone is right in saying that the name and class would be sent in, but nothing about the injury and nothing about how he received it?

Surgeon BYRNES. Not on that slip.

The CHAIRMAN. When would the slip come in that contained that information?

Surgeon BYRNES. The following morning in the general report of sick. We only make one sick report a day, unless there is something special. During the epidemic of diphtheria that we had here just as soon as a case developed I reported that immediately, but unless a case is grave it is not reported immediately and is not reported until the following day, provided the young man enters after the morning report of the day has gone in to the superintendent.

Mr. DAWSON. Were either of these serious cases of which you speak during the past six months the result of fighting?

Surgeon BYRNES. One, I think, was hazing. The only case of fighting is that last case reported there, where the death occurred.

Mr. DAWSON. One was the Branch-Meriwether affair and the other was the Kimbrough affair?

Surgeon BYRNES. Yes, sir; the Branch-Meriwether case. That is the only case that occurred during my time. The other case was hazing, and that is the only one I have seen since I have been here.

The CHAIRMAN. Here is another question that seems to bear upon this matter, in the testimony of Surgeon Stone:

The CHAIRMAN. Then no information is developed in sick quarters if a boy comes in with a broken jaw as to whether he got it falling downstairs, playing football, being hazed, being

engaged in a fight, or in what manner it originated, that is given to any officer in this institution?

Surgeon STONE. No, sir; without it is called for. There is nothing in any order or custom or rule or regulation, that I know of, that calls for that information to be given. It is in the judgment of the senior medical officer. If he thinks that it is something that should be reported to the superintendent I presume he reports it to him.

Surgeon BYRNES. That has been my custom. I do not know what preceded me.

The CHAIRMAN. How long has Surgeon Stone been here?

Surgeon BYRNES. Very nearly two years, I think. I could send over to the sick quarters and get the data for you.

The CHAIRMAN. It is not necessary to have it exactly.

Surgeon BYRNES. I think about two years.

The CHAIRMAN. Then, so far as you know, Surgeon Stone's answer is correct here as to what has been his practice?

Surgeon BYRNES. So far as I know.

The CHAIRMAN. Since he has been here?

Surgeon BYRNES. So far as I know; but the senior medical officer whose place I took, whom I relieved, probably did it without any reference to the assistants, and in such case there would be a record of it over there on file in the letterpress book, for copies are kept of all correspondence, you know, and it might have been done without Doctor Stone's knowledge, unless he was told.

The CHAIRMAN. Doctor, we have had a good many cadets here who have testified without exception, when asked about going to sick quarters to have injuries treated which were received, that they went to the sick quarters with considerable confidence that no information would reach the disciplinary officers from that source, unless it was something that was so severe it would require to be reported.

Surgeon BYRNES. Yes, sir.

The CHAIRMAN. That is, if a boy went over to have a black eye painted he went with confidence that it would not go out of the sick quarters. Can you tell us if the boys' confidence is well placed in your institution?

Surgeon BYRNES. You know I came here under the greatest difficulties. I came here and found everything upside down, but in my experience there has never been a case that has come to that hospital that I have not gone into very searchingly. I have one or two in mind that I thought were the result of hazing or fighting, but they would not tell me. It was simply impossible. They would not tell. They will not tell.

The CHAIRMAN. What did you do with such a case?

Surgeon BYRNES. I kept it on the sick list, you know, and made entries in the journal as to the condition in which it was found.

The CHAIRMAN. And reported it to the superintendent?

Surgeon BYRNES. I reported it to the superintendent.

The CHAIRMAN. As what?

Surgeon BYRNES. As in such and such a condition.

The CHAIRMAN. I suppose you sent the report you made in the journal?

Surgeon BYRNES. Then I would say "Not in line of duty," because it was not directly traceable to any cause—I could not get the history.

The CHAIRMAN. Surgeon Stone, if a case came in while he was on duty there, would make his own record in the journal, I suppose?

Surgeon BYRNES. Yes, sir; and then report to me.

The CHAIRMAN. But what you would send in would be the report that he would enter?

Surgeon BYRNES. Yes, sir; the history of the case entered.

The CHAIRMAN. Then while you have been here you have no knowledge that this testimony of Surgeon Stone as to his action is not entirely correct?

Surgeon BYRNES. I think so; yes, sir.

The CHAIRMAN. Namely, that he has not considered it his duty to make any special record not required for the treatment of the case?

Surgeon BYRNES. Not required for the treatment of the case. It was just admitted as a case, and there it ended after it entered the journal.

The CHAIRMAN. You have not given any instructions then to your assistants along that line?

Surgeon BYRNES. Yes, sir; I have. I have instructed everyone of them to get at the facts in every case that would come in there. As I say, there have only been two that have occurred since I have been here.

The CHAIRMAN. The order does not seem to have sunk into Surgeon Stone's mind or to have made an impression on him.

Surgeon BYRNES. I suppose he went along the lines pursued by my predecessor. As I say, we had only the two cases that occurred after I came here. What happened before that I do not know.

The CHAIRMAN. Let me read that to you again:

The CHAIRMAN. Then no information is developed in sick quarters, if a boy comes in with a broken jaw, as to whether he got it falling downstairs, playing football, being hazed, being engaged in a fight, or in what manner it originated, that is given to any officer in this institution?

Surgeon Stone. No, sir; without it is called for.

Surgeon BYRNES. I think he must have misunderstood that question, because a fractured jaw, if received in a fight, would have to be reported. Or, if it is recorded as the result of a fall or an injury in the gymnasium, it would have to be so stated. So I do not believe he understood that question.

The CHAIRMAN. Well, we asked him the question in a good many forms here, covering a good many pages, and he is consistent in his answers. Were your other assistants here before you came?

Surgeon BYRNES. No, sir; well, one preceded me about six weeks, and the other preceded me two weeks. At that time, you know, the school was practically closed. We had only the fourth class present.

The CHAIRMAN. You do not know whether their views as to their duties correspond with those of Surgeon Stone or not?

Surgeon BYRNES. Oh, I think not, sir; and I am confident that Doctor Stone did not take in that question and answer it as it should have been answered.

The CHAIRMAN. How do you account for the testimony of the boys, that they feel at perfect liberty to go to the surgeon's quarters with a black eye and have it painted, without fear that it would be reported?

Surgeon BYRNES. That I do not know, sir. I can not account for that, sir, because, as I say, there has not been anything of the kind during my administration except the cases that have been reported, one of which resulted seriously.

The CHAIRMAN. You say there has not been? In view of Doctor Stone's testimony here and the fact that he is in charge part of the time and makes entries in the journal a part of the time, I suppose you can not be sure as to that?

Surgeon BYRNES. Not unless it is in direct disobedience of orders, because just as soon as the upper class men returned, which was, I think, on the 12th day of October—not until we had gotten rid of the diphtheria—I gave positive instructions to each medical officer to report every case in person to me, while the boy was still in the hospital, so that I could examine him for myself.

The CHAIRMAN. Surgeon Stone received instructions, then, to report these cases to you?

Surgeon BYRNES. He did.

The CHAIRMAN. Going back to this broken jaw case:

If a boy comes in with his jaw broken, and you ask him how it happened and he tells you he received it in a fight, would that be a case of breach of discipline?

Surgeon STONE. I suppose it would be.

The CHAIRMAN. Would it be your duty to report that to anybody?

Surgeon STONE. I never understood that it would.

It seems evident from that, does it not, that Surgeon Stone did not understand your instructions?

Surgeon BYRNES. Whether he applied that to what has gone before or not I can not say, but he certainly was in great error when he made that answer, because the regulations are positive on that subject. The regulations say that where an injury is received and where the injured may become a candidate for pension that a record in writing must be made immediately to the commanding officer, notifying him of the nature of the injury and the seriousness of the case. So I do not understand why he should make such an answer as that.

The CHAIRMAN. It seems to correspond with the testimony of the boys. On this memorandum I notice there are two cases reported on November 6.

Surgeon BYRNES. Yes, sir; 1905. That is the case of Meriwether and Branch—the Branch-Meriwether case.

The CHAIRMAN. Yes; one is class 3, November 6, and one is class 2, November 6. One of those was Branch and the other Meriwether.

Surgeon BYRNES. Yes, sir.

The CHAIRMAN. There was a fight the next night, in Bancroft Hall. You do not know whether either of the combatants appeared at the hospital or not?

Surgeon BYRNES. If I knew their names I could find out for you, sir. This is the first I have heard of the fight, even.

The CHAIRMAN. I will endeavor to find the names, and see if they appeared at the hospital.

Surgeon BYRNES. Yes, sir.

The CHAIRMAN. Have you had any talks with either the superintendent of the academy or the commandant of cadets as to the management of the hospital as it affects the reports of fighting?

Surgeon BYRNES. No, sir.

The CHAIRMAN. Neither of them have said anything to you?

Surgeon BYRNES. Nothing at all, except what is in the general directions in the regulations.

Mr. GREGG. Is it one of these books [indicating]?

Surgeon BYRNES. No, sir; not the academy regulations. I think, however, there are instructions in these books pertaining to the sick quarters along the lines of the evidence I have been giving. I can say that much. Of course, these matters come more directly under the observation of the commandant of midshipmen, and in all the cases that have occurred since I have been here, the cases that I have seen, I have gone to him and he has given me his hearty support in the endeavor to unearth these matters—to get at the cases.

The CHAIRMAN. I call your attention to the duties of the senior medical officer, which I suppose you are familiar with, in the regulations of the Naval Academy on page 16. That seems to be all there is in here.

Surgeon BYRNES. Yes, sir.

The CHAIRMAN. Then where would you find your instructions for inquiring into the case of a black eye, as to how it happened, and putting it down as fighting?

Surgeon BYRNES. In the natural interrogation, in entering up the case in the journal. You would have to get the cause in order to give the cause. Then we would have to depend entirely upon the statement of the boys. We have no authority to compel them to do it. If a boy chooses to give one statement when something else is the cause, we have to accept it.

The CHAIRMAN. Well, if a boy comes in this morning and has a pair of black eyes and says he received them playing football, you would not put that down?

Surgeon BYRNES. It would not be put down unless I saw signs of the toes of the boot over the nose.

The CHAIRMAN. This not being the football season, you would know——

Surgeon BYRNES. I would know differently; yes, sir.

The CHAIRMAN. Would that be reported especially to the disciplinary officers, to be followed up and perhaps class fighting traced out?

Surgeon BYRNES. It certainly would be, and if it were associated with an untruth it most assuredly would be.

The CHAIRMAN. Where do you find in the regulations directions for doing that?

Surgeon BYRNES. There is nothing except what you have shown me.

The CHAIRMAN. And you have had no orders upon that point from either the superintendent or the commandant of cadets?

Surgeon BYRNES. Not since I have been here; no, sir.

The CHAIRMAN. Then why would it occur to a medical officer to make inquiries about it which he would not make, I suppose, in ordinary practice?

Surgeon BYRNES. Well, because of the strict requirements of the regulations for the government of the Navy. A sample of a medical journal is outlined on the front page of each one. We must give in every instance the exposure incident to the illness, if it is a medical case; in a surgical case, the cause of the injury and whether the injury was received in the line of duty or not. If in the line of duty it is so credited; and if not in the line of duty, it is so credited; then stating the reasons why it was not entered in the line of duty. That is the only way. We get at these things by interrogation. That, of course, is to protect the pension laws.

The CHAIRMAN. Yes, the cause becomes important under the pension laws.

Mr. PADGETT. But midshipmen are not pensionable?

Surgeon BYRNES. No, sir; they are not officers. They are not pensionable.

The CHAIRMAN. You know that section 12 of the interior regulations, or interior discipline and government of the academy requires all officers here to report any violations of regulations that come to their knowledge. Section 12 on page 7 of the interior discipline states:

It shall be the duty of all officers, naval and civil, at the academy, who have knowledge of any violation of a regulation, or any neglect or improper conduct of which a midshipman has been guilty, to report the fact to the commandant of midshipmen.

That would seem to require the surgeons, instructors, and any other officers, civil or naval, at the academy to report any improper conduct which would come within their observation to the commandant of cadets, whether they had had special instruction from the superintendent or not.

Surgeon BYRNES. Oh, yes, sir; that governs it, because in all infractions of the regulations which occur among the midshipmen while they are under treatment at the sick quarters, I can not control them in the least. I can simply make a report of them to the commandant of midshipmen, which I do. I make a report in all those cases. If the case is still a graver one I make it to the superintendent,

The CHAIRMAN. This memorandum goes back to October, 1904, about a year and four months.

Surgeon BYRNES. Two academic years, up to the present time. I can go back still further. I can go back ten years. I have all the records here.

The CHAIRMAN. This shows seven fights occurred in which one or both of the combatants were treated at the sick quarters?

Surgeon BYRNES. Yes, sir.

The CHAIRMAN. Have there been more than that, Mr. Loud, since October, 1904?

Mr. LOUD. My information is that there have been a good many more than that.

The CHAIRMAN. From the information we have there have been twenty fist fights between the 1st of September, 1904, up to the 22d of February, 1905.

Surgeon BYRNES. Yes, sir.

The CHAIRMAN. In that period about twenty fights?

Surgeon BYRNES. Yes, sir.

The CHAIRMAN. There should be more records in the hospital than that, if that is true.

Surgeon BYRNES. There may be more, you know, Mr. Loud, and not be reported. For instance, you take this case of Branch, and I think that was about as severe a contest as ever happened here. I have forgotten the exact number of hours they fought, now. I have it on the record over there; but they had three-minute rounds with one minute intervals, and they fought for over three-quarters of an hour. When that fight was over young Branch left the room and went to his room on the floor above, unaided, without assistance. They got him in there and this is the statement of his room-

mate, who met him at the door. They stripped him and put him under one of the showers, alternately hot and cold, rubbed him down, and put him in bed. He was absolutely conscious up to half after 9, and the last thing he said was "I will not be in condition for mechanical drawing to-morrow, because I will not be able to see." Both of his eyes were closing rapidly. That boy laid in bed all night long, unconscious, until 7 or half past 7 o'clock in the morning, and the case was not reported. His roommate went to the table and got his breakfast. He buttered a roll for him, so that he would not have to appear in public before going to the sick quarters. He carried it up to him and tried to arouse him. Mr. Branch could not be aroused. He waited for some little time in the struggle to arouse him, and then he telephoned to sick quarters, to the officer in charge, Doctor Stone, that the midshipman was there unconscious, and could not be aroused. They sent down and got him, and took him to the sick quarters. I was called immediately. I saw how serious the case was and notified the superintendent at once. His father was notified, and we did everything we could. In twenty-four hours he was dead, or in about twenty-six hours after. There had been nothing said about it. I dare say many a fight has occurred in that building that no one knows about except the participants.

The CHAIRMAN. No doubt. The autopsy disclosed what, as the cause of his death.

Surgeon BYRNES. Hemorrhage of the brain, under the membrane of the brain; not outside of the brain, but beneath.

The CHAIRMAN. Was there any fracture?

Surgeon BYRNES. There was no fracture caused by the fearful impact of the fist or the blow against the wall. The other man had his shoulder dislocated and his ankle sprained.

The CHAIRMAN. Did Branch recover consciousness?

Surgeon BYRNES. Oh, no sir; It went right on.

The CHAIRMAN. Well, that would account very well for why he did not report. He went to his bed and became unconscious, and never recovered consciousness?

Surgeon BYRNES. But I used that as an illustration of the efforts of the young men among themselves to conceal these things from the officer in authority.

Mr. LOUD. Is it probable that young men who receive injuries in a fist fight would give some other cause to the medical officer?

Surgeon BYRNES. I hardly think so, sir. They would probably refuse to name their antagonists. They would probably do that; but when deliberately caught in the act, and after a searching examination, I do not think they would deny it, or attempt to give another cause than what was actually the case, resulting in the injury.

The CHAIRMAN. You do not think they would lie about it?

Surgeon BYRNES. I do not think so.

The CHAIRMAN. That seems to be one vice that does not prevail here.

Surgeon BYRNES. Yes, sir.

Mr. LOUD. You would not expect such a thing in ordinary matters, but in a case of fighting it might be considered a subject where it would be excusable?

Surgeon BYRNES. Yes, sir.

Mr. LOUD. Just the same as an officer on duty at formation excuses midshipmen from reporting if it is known that a fight is the cause?

Surgeon BYRNES. I do not know that, sir. That is a part I never got at.

The CHAIRMAN. I think our investigation here has disclosed quite strongly the fact that among the many sins the midshipmen have, lying is very rare among them here?

Surgeon BYRNES. It is very rare, sir. I have never caught one of them yet.

Mr. LOUD. As I understand, it means Coventry with his own classmates, always?

Mr. DAWSON. Has there ever been a case where on asking a boy as to the cause of an injury he replied that he preferred not to answer?

Surgeon BYRNES. No, sir. He has generally told whatever the cause was, in my investigations.

Mr. GREGG. As I understood your evidence, Doctor, there is a sick report made by you every morning to the superintendent. Is that correct?

Surgeon BYRNES. Yes, sir.

Mr. GREGG. That includes what?

Surgeon BYRNES. That includes every case——

Mr. GREGG. Not reported in the preceding sick report?

Surgeon BYRNES. Yes, sir. For instance, we have on one line "February 23; John Smith, midshipman second class, with so and so; contusion of the face; broken leg; admitted." Next morning his name appears again, and his condition for that morning, whether he is doing well, whether he has improved, or whether he is worse. That is set out each morning as long as his name is borne on the list.

Mr. GREGG. And in that report you give the cause of the injury, if it is a personal injury?

Surgeon BYRNES. Oh, yes, sir.

Mr. GREGG. If, however, some one reports to the sick quarters after that morning report has been made, you then simply send down to the commandant——

Surgeon BYRNES. An excuse slip.

Mr. GREGG. To show that he is excused for that day from duty?

Surgeon BYRNES. Yes, sir.

Mr. GREGG. That does not show anything but the name and class?

Surgeon BYRNES. That is all. Then his name and class and the injury occurs on the next morning report that goes to the superintendent.

Mr. LOUD. And the cause?

Surgeon BYRNES. No; not the cause.

Mr. LOUD. That is simply to excuse him for that day?

Surgeon BYRNES. That is all.

Mr. LOUD. But next morning the cause is shown?

Surgeon BYRNES. The next morning the cause is shown.

Mr. LOUD. In every case?

Surgeon BYRNES. Yes, sir; it shows the diagnosis, the date of admission, the nature of the injury or disease, whatever it may be, etc.

Mr. GREGG. As I understand you, then, the cause of injury is not shown in either report?

Surgeon BYRNES. No, sir.

Mr. PADGETT. Does not every man come in after the last sick report has been sent in?

Mr. LOUD. It would be an emergency case, undoubtedly, every time. When would you make the entries?

Surgeon BYRNES. It would go to the journal that day, as soon as he is admitted. The entry is made then and there, and an excuse slip is sent down to the commandant. The morning report, on the following morning, is sent to the superintendent.

Mr. LOUD. You say that neither one would show the cause?

Surgeon BYRNES. Not on the morning report of sick.

Mr. LOUD. It would be on the journal?

Surgeon BYRNES. It would be on the journal.

Mr. LOUD. But it would not reach the commandant or the superintendent either?

Surgeon BYRNES. No, sir. Would you like to see a copy of the morning report of sick?

The CHAIRMAN. We had the journal here the other day.

Surgeon BYRNES. It is a report of all the cases which go to the superintendent. It is what is known as the morning report of sick.

The CHAIRMAN. No; I think the information you give is just as good, Doctor.

Mr. PADGETT. Doctor, the way I understand your statement is that under the arrangement of the two reports the cause of the injury is not sent either to the commandant or to the superintendent?

Surgeon BYRNES. That is right, sir. It is not sent.

Mr. GREGG. That is what I understood.

The CHAIRMAN. I understood you to testify in the beginning that was all sent as it was entered?

Mr. GREGG. I think he conveyed that impression at first, but I do not think he intended to say that. He did, in his first evidence.

Surgeon BYRNES. I did not intend to.

Mr. PADGETT. It only states what the injury is and not the cause?

Surgeon BYRNES. Yes, sir.

Mr. PADGETT. But your journal shows the cause?

Surgeon BYRNES. Yes, sir.

The CHAIRMAN. I read from the testimony of Doctor Stone, in which he said no report had been made. Did you understand me to mean that no entry had been made?

Surgeon BYRNES. Yes, sir; that is what I understood. It surprised me.

The CHAIRMAN. We were speaking about a report, whether that would reach the disciplinary officer or not?

Surgeon BYRNES. Oh, no.

Mr. GREGG. Doctor, you have stated that you remember distinctly two cases where you inquired very diligently into the cause and that the boys simply would not tell?

Surgeon BYRNES. That is true, sir.

Mr. GREGG. Is it not a fact that if it is an injury received at football, or at the gymnasium, or in any other way not contrary to the regulations, they will tell you the cause?

Surgeon BYRNES. Yes, sir.

Mr. GREGG. Well, then, if it is received from some act which is in violation of the regulations, their answer would be they did not care to say. Is that not so?

Surgeon BYRNES. They do not care to say; yes, sir.

Mr. GREGG. Does not that fact put you upon inquiry as to whether or not it was received in violation of the regulations?

Surgeon BYRNES. Yes, sir; and it is so stated in the journal: "Not in the line of duty." That covers it.

Mr. GREGG. Then when you are convinced that it was received in some violation of the regulations your only entry is, "Not in the line of duty?"

Surgeon BYRNES. "Not in the line of duty," yes, sir. That is all we can do, you know.

Mr. GREGG. Now, this is a list which you have presented to us, being the "number of cases admitted to sick quarters as the result of fighting among midshipmen from October 1, 1904, to present date," which is February 19, 1906, that being the date of the memorandum?

Surgeon BYRNES. Yes, sir.

Mr. GREGG. I understand that this is a list of those where the medical officer at the time was satisfied the injury was the result of a fight?

Surgeon BYRNES. Yes, sir; and it is so entered.

Mr. GREGG. But it is not a list of all who reported there with personal injuries, is it?

Surgeon BYRNES. Oh, no; this is simply the fighting record.

Mr. GREGG. In other words, this is a list of such as you were satisfied were from fighting?

Surgeon BYRNES. Yes, sir, and so recorded.

Mr. GREGG. At the time of their entry into sick quarters?

Surgeon BYRNES. Yes, sir, and so recorded.

Mr. GREGG. But it is not a list of all who reported there with personal injuries?

Surgeon BYRNES. No, I think not.

The CHAIRMAN. Then such as did not give the cause of the injury, whether from fighting or otherwise, would not be included on this list?

Surgeon BYRNES. I think not; these are simply cases——

Mr. LOUD. That would explain the deficiency then.

Mr. GREGG. This list shows cases as to which you were satisfied when they were admitted they were from fighting?

Surgeon BYRNES. Yes, sir.

Mr. GREGG. But where they did not tell the cause, this does not show it?

Surgeon BYRNES. To me it does not, because I do not know the records beyond the 1st of September last, except what I read. I have no personal knowledge of it.

Mr. GREGG. I think I have got it right. This shows that the surgeon in charge was satisfied at the time it was a fight and so entered it at the time as the result of a fight?

Surgeon BYRNES. Yes, sir.

Mr. GREGG. But it does not include other injuries where he did not know the cause—other personal injuries?

Surgeon BYRNES. No. Doctor Stone's statement to me was

that the committee would like to have a list of cases admitted for fighting, so I had them go through the journal.

Mr. GREGG. And that is the way it was registered there at the time?

Surgeon BYRNES. Yes, sir; that is the way it is on record there at the time.

Mr. GREGG. Is that clear now?

Mr. LOUD. Yes; we understand it.

The CHAIRMAN. Who went over the records, Doctor?

Surgeon BYRNES. I had the hospital steward and the quartermaster go over them.

The CHAIRMAN. That does not cover the cases where they declined to state the cause of the injury?

Surgeon BYRNES. No, sir.

The CHAIRMAN. Will you have them go over the list again during this same period and find out what cases, if any, there were where midshipmen refused to state the cause of the injury?

Surgeon BYRNES. Well, that record is not available, because this record was taken from the yearly abstract which gives the names, age, injury, and so on, and whether it was on duty or not on duty, but that he declined to answer as to the cause would not be recorded.

Mr. GREGG. You could give us a list of all who reported with personal injuries?

Surgeon BYRNES. Yes, but I could not tell whether that would be the outcome of fights or not.

The CHAIRMAN. Suppose you have that collated for us in the same form, if you will?

Surgeon BYRNES. Between the same dates I have there?

The CHAIRMAN. Yes, between the same dates.

Surgeon BYRNES. You do not want the name, but simply the class and nature of the injury. Is that it?

Mr. GREGG. We do not care about the names.

The CHAIRMAN. Oh, no.

Mr. GREGG. There is one question that I would like to ask. You stated that a surgeon was present at all times during drills or exercises at the gymnasium?

Surgeon BYRNES. Yes, sir.

Mr. GREGG. So that you would have a record then of anybody who was at the gymnasium?

Surgeon BYRNES. Yes, sir; I would have that record.

Mr. GREGG. There would be no possible chance of anybody throwing it off on the gymnasium when it was not received at the gymnasium?

Surgeon BYRNES. No, sir; they could not, because the moment the injury is received there is a slip made out with a diagnosis, if it is serious enough to come to the sick quarters, describing the nature of the injury, how it was received, and that is signed by the medical officer and sent with the injured man to sick quarters.

Mr. GREGG. Then if a midshipman were disposed to deceive you and claimed that the injury was received in the gymnasium you could detect the deception?

Surgeon BYRNES. It would not be possible, because the medical officer is required to be there every moment.

Mr. GREGG. The midshipmen could not deceive you as to that then?

Surgeon BYRNES. No, sir.

Mr. LOUD. Is the same not true of football, as well as of the gymnasium?

Mr. GREGG. Is that true of football?

Surgeon BYRNES. Yes, sir; that same medical officer is present on the field during a game—and baseball, too.

Mr. GREGG. There is no chance to lay it to football, baseball, or the gymnasium?

Surgeon BYRNES. No, sir; it would not be possible.

The CHAIRMAN. Doctor, in order to clear this matter up, I would like to read you again this question that was asked of Doctor Stone:

The CHAIRMAN. Then no information is developed in sick quarters, if a boy comes in with a broken jaw, as to whether he got it falling downstairs, playing football, being hazed, being engaged in a fight, or in what manner it originated, that is given to any other officer in this institution?

Surgeon STONE. No, sir; without it is called for.

That is where you think he must have misunderstood the question?

Surgeon BYRNES. Yes; he must. In case of a broken jaw, an injury as serious as that, I make a report in writing myself to the superintendent stating the cause. I have that to do. I am required to do it.

The CHAIRMAN. Then he was wrong only as to an injury of considerable degree?

Surgeon BYRNES. Yes, sir.

The CHAIRMAN. As to a lesser injury, he would be right, would he?

Surgeon BYRNES. He would be right about a lesser injury, for I would not report that myself.

The CHAIRMAN. Do you not think there is a pretty wide hole in the disciplinary management of the institution, Doctor, in that information as to these minor offenses of fighting, which might have been class fighting, that comes to you does not reach the disciplinary part of the institution?

Surgeon BYRNES. Well, of course, I can not speak for others. I am now speaking for myself——

The CHAIRMAN. We are speaking of the system, and not about anybody in particular. I am asking about the system, if that is not a gap that ought to be closed up.

Surgeon BYRNES. Yes, I agree with you; and if you had seen some of the things I have seen here in one or two cases you would want it closed up very much. I am speaking now especially of the Kimbrough case, when he was brought in, after standing on his head over one hundred times, unconscious, followed by delirium and shock so great that I thought he would die. I was with him the greater part of the night. That is a gap that I want filled up. I thought that it might be my boy.

The CHAIRMAN. Well, Doctor, my theory about your sick quarters is this: It has been thoroughly developed that class fighting is the weapon by which submission to hazing and running is compelled. The boy who refuses to submit must fight.

Surgeon BYRNES. That was Meriwether's case exactly.

The CHAIRMAN. I think that was a personal difference between the two men.

Surgeon BYRNES. Oh, I mean before that. That brought him into coventry.

The CHAIRMAN. You mean Meriwether?

Surgeon BYRNES. I mean Meriwether. He just simply would not stand for it, and he whipped everything ahead of him during his first year.

The CHAIRMAN. Then class fighting is the one weapon with which they enforce hazing?

Surgeon BYRNES. I expect it is.

The CHAIRMAN. That class fighting may sometimes not be discovered when it takes place in the rooms, but if an injury is received sufficient so that they come over here, even for a pair of black eyes, there is immediate tangible evidence that a violation of the rules of the academy has taken place. That information should certainly in all cases be furnished to the disciplinary officers. There seems to be a gap in the getting of information about violations which should be corrected. Then, in view of your understanding now that none of the causes of minor accidents are reported to the disciplinary officers, the confidence of the boys in coming to the sick quarters for treatment about these minor accidents can be understood.

Surgeon BYRNES. Yes; I suppose they view it from that standpoint.

Mr. DAWSON. Doctor, I believe you stated that during the past six months there had been two cases of sick calls where there were evidences that the boys had been either in a fight or had been hazed, but on diligent inquiry on your part you could not elicit the information from them.

Surgeon BYRNES. From neither of them; but in the Kimbrough case I got the information from the officer in charge. I was in the sick quarters at the time, and I sent for the boy and received him. The second case was that of a boy who had a mild type of hysteria. I made a searching examination of that boy. His trouble took on the character of paralysis. A more marked case of paralysis I never saw than in this boy. He was brought out of the recitation hall at the time. He was taken ill at recitation. I searched that boy; I questioned him for three days, and he denied that he had been hazed. His mother came to see me two weeks ago, and she told me that after he had recovered, and while he was still in the sick quarters, he wrote to her and stated that he did not think his trouble was the result of hazing, as he had only been hazed once in a week, about a week before, and that was immediately preceding the time he was admitted for this paralysis. It is almost impossible to get it out of them.

The CHAIRMAN. Those are the two cases you know of?

Surgeon BYRNES. Those are the only two that have occurred in my experience here.

The CHAIRMAN. That was the case of young Cooper?

Surgeon BYRNES. Yes, sir.

The CHAIRMAN. He subsequently stated it under oath before the board of investigation that in his opinion hazing had nothing to do with it.

Surgeon BYRNES. And he wrote to his mother; his mother came to see me about it, and told me that he had been hazed a week before.

The CHAIRMAN. You say young Kimbrough was made to stand on

his head over one hundred times. Are you familiar with the exercise they call going on the head?

Surgeon BYRNES. No, I am not. That was his statement after he recovered consciousness.

The CHAIRMAN. Was he not sent on his head several hundred times?

Surgeon BYRNES. I do not believe he could stand it. As it was the shock was something very severe. I thought he would die.

The CHAIRMAN. We find numerous cases where they have gone on the head 250, 350, and 400 times.

Surgeon BYRNES. This boy was of a delicate organization; brought up by his grandparents. He is not an aggressive boy. He is not a boy who would get up and knock another down. He would do anything before he would do that; but he did have the courage to keep his mouth shut when I tried to find out how he was injured. We never would have learned it if Lieutenant-Commander McVay had not found him in bed. He was the discipline officer of the day. He opened the door and looked in and found the boy unconscious. He looked in as an accident; he said he did not know why he did it. The floor was covered with water, where he had evidently fainted during the first time, and they had thrown water over him, and when he lost consciousness they picked him up and threw him on the bed and left him. He would have stayed there but for an accident, had Mr. McVay not looked in.

The CHAIRMAN. He might have died before morning?

Surgeon BYRNES. He very likely would have died. The very statement I am making now was made before the court during the trial of Midshipman Coffin, who was dismissed, and who deserved it.

The CHAIRMAN. Are you pretty familiar with the conditions since you have been here?

Surgeon BYRNES. No, sir; because I have had just as much as I could do. I have carried this institution through two epidemics, one of typhoid fever and one of diphtheria. It has kept me very busy.

The CHAIRMAN. I would like to ask you, Doctor—this is a limited neighborhood, and you all keep fairly well informed—if it is your opinion that the present disciplinary management are active and energetic in their efforts to maintain discipline and to stamp out this hazing.

Surgeon BYRNES. I can truthfully answer that question, because every disciplinary officer, every officer of the line and instructor here, has determined from the very beginning of this thing, after the death of that boy, that they would stamp it out if possible. That is my opinion. We have an institution here for housing 900 or 1,000 boys, and you can realize how difficult it is for a disciplinary officer to keep watch over that number of boys. There are over 400 rooms—500 rooms—scattered over a very great area. I do not know exactly how many rooms there are. They do not have discipline officers enough. There should be more, and yet they have not them to spare.

STATEMENT OF LIEUT. COMMANDER B. C. DECKER, U. S. NAVY.

Lieut. Commander B. C. DECKER, U. S. Navy, appeared before the subcommittee.

The CHAIRMAN. Please state your full name.

Lieutenant-Commander DECKER. B. C. Decker, lieutenant-commander, United States Navy.

The CHAIRMAN. How long have you been attached to the academy as a disciplinary officer?

Lieutenant-Commander DECKER. Since last September.

The CHAIRMAN. Were you here in any other capacity before that time?

Lieutenant-Commander DECKER. Yes, sir; I was here during the previous academic year as instructor in mathematics.

The CHAIRMAN. So that you were familiar with the atmosphere of the place before you took your present assignment?

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. What year did you graduate?

Lieutenant-Commander DECKER. 1887.

The CHAIRMAN. To what extent did hazing prevail during your school years?

Lieutenant-Commander DECKER. During my fourth class year, especially on the summer practice cruise, there was considerable of it. The third class was investigated and a number of them were dismissed for it. I think about 18 of that class, altogether, were dismissed from it. Then from time to time during my course there were outbreaks of it, but none that I personally knew much about, except one. I was in one investigation, when I was a fourth class man. Some midshipmen came into my room and had my roommate and myself stand on our heads. That was all.

The CHAIRMAN. Did about the same practices prevail then in the line of hazing that prevail now?

Lieutenant-Commander DECKER. I should say not entirely; no, sir. I do not think in my time any of it was so severe as it has been brought out in these recent investigations. We did not have the sixteenth, for instance, which has produced so much exhaustion, and the standing on the head was different. We were actually stood on our heads; but this thing of making a man get down and put his head on the floor, and do it repeatedly, we did not know about. I never heard of that. This fagging system is absolutely new. We had none of that.

The CHAIRMAN. As far as your inquiry informed you, how far back does this fagging system go?

Lieutenant-Commander DECKER. Well, from what I have heard—I was not on the investigating board that investigated it—it was within the last two or three years.

The CHAIRMAN. Have the classes ever been quartered together before Bancroft Hall was finished?

Lieutenant-Commander DECKER. Do you mean in my time?

The CHAIRMAN. Yes; that is, before Bancroft Hall was completed and the different classes put there, were they not quartered about in different parts of the grounds?

Lieutenant-Commander DECKER. Yes, sir; I do not know just how they were quartered.

The CHAIRMAN. The fourth class by itself in some building, for instance?

Lieutenant-Commander DECKER. I have heard the midshipmen say they were quartered apart, by classes.

The CHAIRMAN. That is our information. That would account for

the fact that menial services were not required, before the fourth class men were away from the first class men where they could not bring their meals to them, and could not have performed other acts required of them along that line?

Lieutenant-Commander DECKER. Well, in my time we were not altogether quartered by classes, and we never saw anything like that and never heard of it.

The CHAIRMAN. In your time you were not quartered all in new building?

Lieutenant-Commander DECKER. No, sir. For three years I lived in one of the old buildings down at the lower end of the yard. One of the divisions lived there.

The CHAIRMAN. Was your class there?

Lieutenant-Commander DECKER. No; it was an entire division, composed of different classes.

The CHAIRMAN. They were mixed up?

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. Your understanding is that these humiliating requirements, like sending boys under the table to eat their dinner there, and practices of like nature, have been of long standing; or have they grown up in more recent years?

Lieutenant-Commander DECKER. I think they are more recent. I judge that. I know it was not so in my time, and from what I have heard the officers say since—the lieutenants around here—I have never heard that it was done. In my time there was a very general sentiment about menial services and degrading things. The general sentiment of the whole school was against such things as lowering the dignity of a young man who came here to be an officer. It was not permitted nor indulged in.

The CHAIRMAN. Commander, the whole foundation of the discipline among the cadets is built upon the fidelity of the cadet officers, is it not? That is the foundation of it?

Lieutenant-Commander DECKER. Yes, sir; that must be, I imagine.

The CHAIRMAN. Four disciplinary officers who are not all of them on duty all the time could not possibly supervise 800 or 900 cadets.

Lieutenant-Commander DECKER. No.

The CHAIRMAN. And personally know that they did not commit violations?

Lieutenant-Commander DECKER. No, sir.

The CHAIRMAN. It would be largely a matter of chance if they were able to detect it?

Lieutenant-Commander DECKER. I should think so. Of course, I feel in this way——

The CHAIRMAN. Hence the discipline of the academy rests upon the fidelity of these cadet officers and their sense of responsibility in carrying out their duty?

Lieutenant-Commander DECKER. That and the general sense of the midshipmen themselves that they are under oath when they enter the Navy to obey the regulations, and that they do not, as a rule, willingly or wittingly disobey the regulations.

The CHAIRMAN. That sense of duty must, of course, extend to the midshipmen, and the sentiment among the midshipmen must uphold the cadet officers in doing their duty?

Lieutenant-Commander DECKER. Yes, sir; I think so.

The CHAIRMAN. How do you account for what seems to be the total breakdown of that system, as developed in the last few months, or as shown to exist in the last few months? I do not mean that it commenced then, but that it ended.

Lieutenant-Commander DECKER. I think it is due primarily to the lack of proper supervision. All young men get their ideals and impetus from those who are over them. If they have no one over them, they naturally follow their own standards and ideals. There was a lack of that good example, in having officers over them, when they were quartered about in different places in the yard, and the fact that they did not have officers solely engaged in that work, who could give their time and attention to it, I think, has resulted in that.

The CHAIRMAN. There has been no change in the number of officers; no addition to the number of officers who are disciplinary officers?

Lieutenant-Commander DECKER. I presume the board is not acquainted with the fact that we now have four discipline officers who have nothing else to do.

The CHAIRMAN. I understood you have always had four.

Lieutenant-Commander DECKER. Not previously. I do not know how it was before, but last year there were, I think, ten officers who were the discipline officers, as they call them, and who were instructors in the different departments. They came on duty once, in their regular turns, in about ten days.

The CHAIRMAN. Last year, if we are correctly informed, there were four disciplinary officers. One was on duty at Bancroft Hall every fourth day and remained there twenty-four hours. The others, as we understood, were still disciplinary officers, but they accompanied the cadets and instructed them in drills and that sort of training. Is it your understanding that some of these were instructors, to hear classes?

Lieutenant-Commander DECKER. My understanding was they were all of them instructors, and that there was no supervision—that there were about ten of them, and they were instructors in the various departments, and that was simply one of their duties.

The CHAIRMAN. Our understanding was that every fourth day one of these four men went to Bancroft Hall on duty for twenty-four hours.

Lieutenant-Commander DECKER. My understanding was it was every tenth day.

Mr. PADGETT. I understood that that was originated by Admiral Sands this last fall. That is my recollection.

The CHAIRMAN. I understand that at present four disciplinary officers are at Bancroft Hall all the time; that is, that they have their offices there in charge of a division, and that that is a distinct change over the previous plan of having only one man there every fourth day. That is the impression I had in mind.

Lieutenant-Commander DECKER. That is not as I understood it. I was not one of those officers, so my information may be inexact, but from my talks with the other officers, and because this subject of discipline interested me very much last year, I was told by them that they came on in regular turns one in ten days, and that during the time between they all had their day's duty; that they were also engaged during the day as instructors.

The CHAIRMAN. Is it your opinion that at present, under the present system, the disciplinary force is sufficient to give proper supervision, such as you speak of?

Lieutenant-Commander DECKER. I think so; yes, sir.

The CHAIRMAN. You think four is a sufficient number to supervise and to impress upon the midshipmen the ideas of their superiors as to the performance of their duties?

Lieutenant-Commander DECKER. I think so; yes, sir. If we had more it would tend to destroy that uniformity in action which is absolutely necessary, as far as possible, in carrying out the work.

The CHAIRMAN. Do the four disciplinary officers consult with each other so as to secure uniformity of action?

Lieutenant-Commander DECKER. Very, very frequently. Nearly every day we will meet together and have something to tell, so that we know what is going on all the time, between ourselves.

The CHAIRMAN. There is a young man named Williams, who appeared here yesterday, and requested to be heard. His request was granted. We understand he has been dismissed from the academy for being too energetic along some lines, and not enough along others. I would like to ask you a few questions in relation to the matters brought out by him; but in order to do so we will have to have the book in which the offenses charged against him appear. While we are waiting for the book I wish to ask you about one missing link, as it seems to us—a serious gap in the collection of official information for disciplinary purposes. It is not within your province to correct it, but it may be that you can help correct it. The evidence that we have taken seems to show conclusively that if a boy comes to the sick quarters with an injury received in a fight, unless it is of quite a serious nature, while it is entered on the records, no report of it is made to any disciplinary officer, or to the commandant of cadets or superintendent. Class fighting appears to be the instrument by which upper class men compel obedience of lower class men to submit to exercises under hazing and running. It has seemed to the committee that that would be a prolific source of information as to violations of the regulations by fighting, having especially reference to class fighting. It seems to us that if the system of class fighting can be detected and punished and broken up it would rob the upper class men of the very strongest instrument they have for enforcing hazing. The surgeon testified that they have no instructions to report, and it is not their understanding that they should report, minor injuries received in fighting, which are entered as fighting on their records. We desire to ask you if, in your opinion, this is not a loss of information which should not occur?

Lieutenant-Commander DECKER. There are two sides to that question. One would be that if the midshipmen felt they were going to be reported for such things as that there might be a tendency to cover it up, and not go there. That is one side of it, of course. That, I imagine, is the reason why the doctors have always held out against reporting things that come to their attention as doctors.

The CHAIRMAN. Do you understand they have held out, that they have taken that position?

Lieutenant-Commander DECKER. Not in this particular case.

The CHAIRMAN. I mean, as a matter of general practice, has that been their position?

Lieutenant-Commander DECKER. I think it has been. I remember there was a contention to that effect. They did not like to show the medical journal, at one time.

The CHAIRMAN. When was that?

Lieutenant-Commander DECKER. Some years ago, in the service, and to this day, practically, the journal aboard ship is only submitted to the captain. He sees the different diseases, for instance, that the officers or men are suffering from aboard ship. The captain is the only one who is supposed to see it. Now, the doctors and officers on board ship are required to submit a statement that they have been on the sick list for alcoholism, the use of drugs, or things of that kind, which tends to show depraved moral conditions. But in regard to the midshipmen, they will submit that information very quickly if it is ordered to be submitted.

The CHAIRMAN. It is entirely subject to the direction of the superintendent, the same as any other thing?

Lieutenant-Commander DECKER. Entirely, the same as any other thing.

The CHAIRMAN. Well, Commander, as a general principle that is undoubtedly a correct position for a medical man to take, that the diseases men have should not be given to the public. They should only be given to the captain of the ship in the case you have cited, but here you find an entirely different situation. Here you find that injuries of this class received in fighting—especially class fighting—are very important as a part of the disciplinary information of the establishment. You are trying to break up hazing. Class fighting is the great instrument used to enforce hazing. A large number of cases come to the hospital, which disclose fighting, perhaps class fighting. Then it seems to the committee that the sick quarters are, in respect to that class of patients, upon an entirely different basis from that which exists in respect to ordinary cases treated upon a ship or in a hospital.

Lieutenant-Commander DECKER. Take this case. A young man who is hurt in fighting may not know how seriously he is hurt at all. He has no idea of its seriousness, but he knows if he comes here to the sick quarters he is going to take the chance of being reported for it, and take the chance of getting a serious report. He will take the chance of getting over that, if he can, before he will come here.

The CHAIRMAN. Well, let us follow that up. Suppose a boy has a pair of black eyes—not dangerous, but very much in evidence. He does not go to the sick quarters because it will be reported to the disciplinary officers, and questions will be asked about it. Then he can do one of two things. If he stays in his room, and misses formations, then he is found out, and the reason is inquired into. The inspection of his room would show he was there.

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. And the fact that the report of the officer in charge of the formation would show that he was not there would lead to an investigation?

Lieutenant-Commander DECKER. Yes.

The CHAIRMAN. If he does appear at formation with a pair of black eyes the officer in charge would probably notice it?

Lieutenant-Commander DECKER. No. Among 900 of them the officer in charge might not see him.

The CHAIRMAN. Are there that many at one formation?

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. How often does that take place?

Lieutenant-Commander DECKER. Three times a day.

The CHAIRMAN. The whole brigade assembles three times a day?

Lieutenant-Commander DECKER. At meal formation; yes, sir. It depends upon that fundamental feature that you spoke of some time ago, sir, of every midshipman doing his duty. If the midshipman officer of the day does his duty that would be found out.

The CHAIRMAN. And if he goes to classes it would be found out?

Lieutenant-Commander DECKER. Yes, there is another place. If he went to the section room, a midshipman officer there might get after him about it.

The CHAIRMAN. I can not see any place that a boy could go to with a pair of black eyes where he would not meet with some officer connected with the institution. If he stayed in his room detection is certain. So I am unable to see why, if this gap is closed in the hospital, the evidences of fighting can be concealed.

Lieutenant-Commander DECKER. For instance, you take the officer in the section room. He says, "I am here to teach these young men things." He has his whole mind centered on teaching them. A midshipman comes in, and he may see this young man with a black eye and he may ask him or he may not think to ask him where he got that eye. He may think to himself, "There is somebody down at Bancroft Hall who is supposed to look out for that end of the job, I am looking out for teaching them." That is the way a young man escapes.

The CHAIRMAN. It is evident that if you have nine or ten hundred cadets here, and all but two or three officers take the ground that somebody else is looking after them, there will not be anybody looking after them.

Lieutenant-Commander DECKER. That is the great trouble.

The CHAIRMAN. Rule 12 states:

It shall be the duty of all officers, naval and civil, at the academy, who have knowledge of any violation of a regulation, or of any neglect, or improper conduct of which a midshipman has been guilty, to report the fact to the commandant of midshipmen.

The rules at West Point, which were adopted since the outbreak of hazing there five years ago, have the same requirement, applying to every officer connected with the institution, except that it states that they shall report any evidence tending to show that violations have been committed. I understand that in the new regulations to be published here that language will be adopted, making it the duty of every officer connected with the academy to report any evidences which tend to show that a violation of the regulations has been committed. With your limited number of officers, four to a thousand midshipmen, it would seem that you must enlist the cooperation of all of the naval officers connected with your establishment.

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. Particularly the surgeons in the sick quarters. Of course that does not mean that the committee puts ordinary personal encounters growing out of personal differences, which always to some extent prevail among so many young men, on a par with class fighting, which no doubt you agree with us is an exceedingly cowardly and unmanly practice and which should be sternly repressed.

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. Commander, the practices called running prevailed, I suppose, last year and the year before to as great an extent as they have been shown to prevail here during the present year?

Lieutenant-Commander DECKER. I can not say, sir. I was not here. I was not in company with the midshipmen.

The CHAIRMAN. You were here in another capacity?

Lieutenant-Commander DECKER. Yes, sir. Nothing of that kind ever came under my observation. All I know is from the testimony which came out before the general court-martial, which I listened to with a good deal of interest. It was brought out that that had been going on.

The CHAIRMAN. Outside of physical hazing?

Lieutenant-Commander DECKER. Yes, sir. They had what they called their running system. I was informed last year when I asked about it that it was absolutely stopped. That information was given me by some officers who were supposed to know. I asked them on what they based their information. I asked one officer directly. He said he based it on what the midshipmen had told him.

The CHAIRMAN. Of course they construed hazing to mean physical hazing and nothing else?

Lieutenant-Commander DECKER. Yes, sir. Under the definition of hazing which was adopted by the court-martial and the board of investigation a great amount of it prevailed last year.

Mr. LOUD. I think the commander has told us that publicity here in the hospital would tend to the concealment of injuries by the cadets. On the other hand, would it not have a tendency to lessen the amount of that practice? Would there not be a less number of fights if it was known by not only the principals, but the seconds and timekeepers, and referees, and everyone? Would there not be a less number of fights occurring if they knew that publicity was sure to follow? Is not that the probability?

Lieutenant-Commander DECKER. I could not say, sir. That would depend on the nature of the young men, I think, more than anything else, and I think the nature of young men is to take chances on a thing of that kind.

Mr. LOUD. Exactly; but if there is no chance, if there is a certainty that he is confronted by that condition, would there not be less infraction of the law as a probability? Would that not be the case if they knew they would surely come up against the disciplinary officers if they broke the rule?

Lieutenant-Commander DECKER. I think that would be the tendency. Certain punishment always tends to reduce offenses, I think.

Mr. LOUD. But knowing that the offenses will be smothered and can not come to the attention of the disciplinary officers, they are ready to take chances?

Lieutenant-Commander DECKER. Yes, sir; I think that is so, too.

Mr. LOUD. And so it is our conclusion that the door ought to be closed, or at least that the disciplinary officers should know what is going on, and in that way suppress the practice.

The CHAIRMAN. Commander, is it your opinion that any good to the the midshipmen comes out of anything that is covered by the practice of hazing?

Lieutenant-Commander DECKER. Hazing? No, sir. I do not

think any good comes from hazing whatever, sir. I do not see how it possibly could.

The CHAIRMAN. You say you were hazed liberally while you were a student?

Lieutenant-Commander DECKER. I have never had any such hazing as was brought out in this trial.

The CHAIRMAN. You were not injured by the hazing which you received as a student?

Lieutenant-Commander DECKER. No, sir.

The CHAIRMAN. Do you think you were benefited any?

Lieutenant-Commander DECKER. Not a bit. I think it was a joke more than anything else. I always did think so. I do not think it had any effect either way.

The CHAIRMAN. Is not the great trouble with the system of hazing the fact that, while many of the practices would be comparatively harmless, that it nearly always grows and spreads until in the hands of imprudent boys injury is pretty sure to result.

Lieutenant-Commander DECKER. I think that is the tendency of any irresponsible action.

The CHAIRMAN. For what particular reason do you think the practices should be entirely stamped out?

Lieutenant-Commander DECKER. Because I think it is contrary to all military discipline to have anything permitted that is not controlled absolutely under orders. If it is controlled, you can hold somebody responsible for any abuse of authority. But under the present system the whole tendency is to cover up the abuse in such cases, because they all know they are liable no matter how little they know.

Mr. GREGG. The military tactics contain a regular set of what they call setting-up exercises?

Lieutenant-Commander DECKER. Yes, sir.

Mr. GREGG. Which are intended for the development of the physical man?

Lieutenant-Commander DECKER. Yes, sir.

Mr. GREGG. I understand that those exercises have been practically suspended here. Is that correct?

Lieutenant-Commander DECKER. Not to my knowledge.

Mr. GREGG. At least, that those exercises are given so little as to amount to practically doing away with them.

Lieutenant-Commander DECKER. I do not know. I know during the summer time these young men who came in were given the exercise regularly with the idea of setting them up.

Mr. GREGG. What do you call regularly?

Lieutenant-Commander DECKER. I think twice a day, at regular times. Since that time it may be that they have considered the other athletics have taken the place of those exercises. I do not know.

Mr. GREGG. The fact of the boys, without authority, administering these exercises has not had anything to do away with the other exercises?

Lieutenant-Commander DECKER. Oh, no, sir. That is not recognized in our system at all, sir.

The CHAIRMAN. A young man testified before us that what they call these setting-up exercises, which I suppose are given for the purpose of giving a young man a military carriage and military bearing, were only had three times in how long?

Mr. GREGG. In this academic year. He stated that the books which we have here prescribed it, and that it showed only three.

Lieutenant-Commander DECKER. This is what he refers to [indicating].

Mr. GREGG. What date does that programme there begin with?

Lieutenant-Commander DECKER. It begins with the opening of the academic year.

Mr. GREGG. October?

Lieutenant-Commander DECKER. Yes, sir.

Mr. GREGG. It does not cover the period, then-----

Lieutenant-Commander DECKER. The summer instruction is in the book here, I think.

Mr. GREGG. Can you tell from that how often they were submitted to those setting-up exercises during the summer? He said we could find it given for the summer here, and find out how often it was given to them during the summer.

Lieutenant-Commander DECKER. I can not say, because it is put down here as "armory" and "gymnasium," for instance, and you see here "ordnance," and so on. Their instruction is put down there. It comes under the head of ordnance drill—the setting-up exercises. In the evening some of them went to the armory where they had the exercises, and some would go to the gymnasium for gymnastics in the evening.

Mr. GREGG. From this you can not tell how often they were drilled in the setting-up exercises?

Lieutenant-Commander DECKER. No; it simply says that they go to ordnance, and the setting-up exercises are a part of the ordnance work.

Mr. GREGG. It is only a part, however?

Lieutenant-Commander DECKER. Only a part. They may have had other drills—gun drill and infantry drill, and such things as that.

Mr. GREGG. Were you here last summer?

Lieutenant-Commander DECKER. No, sir; I was on the practice cruise.

The CHAIRMAN. Now we will go back to the case of Mr. Williams. On November 11, "disorderly conduct in corridor" and "in corridor out of uniform." There are two offenses charged in the same transaction, for which he received 5 demerits and 3 demerits, respectively. He contested that. Have you any recollection about it?

Lieutenant-Commander DECKER. My impression is that that is a case, as I remember it, in the morning. I can not tell if that is it or not. I think that is the time I reported him, when I was going to inspection about 6.35, or around about that time. I came around in his corridor, and he came down the corridor with a most fiendish yell, which he called the "Black Diamond Express." It was something he had been perpetrating on the people for some time and we had not been able to catch him. I heard it outside, and I ran into the building to find out who did it. I found him coming down the corridor with a pair of running drawers on, cut off above the thighs. He had no reason for being in the corridor at that time of day whatever. His bathroom is in his room, and there was no reason why he should have left it. I reported him for being out of uniform and for disorderly conduct.

The CHAIRMAN. On the 14th of the same month he is reported for

sitting in window—3 demerits. He denies that, and that is all he says about it; that he did not do it. It was reported by Midshipman Williamson, whom I suppose made the round with you—the cadet officers.

Lieutenant-Commander DECKER. I think that is perhaps a time when I went into his room. The regulations are that they shall sit at their tables. They have a great way of sitting in their windows. They study there, and they put their feet up on the window sill, and do such things as that. It defaces or scarifies the window sill. I put him on the report for it. I would like to say in reference to that, that in making these reports they are not always for the first offense, by any means. You generally size them up and find out how you have got to handle them. Some men you can talk to and some men you see doing things accidentally. There are others who have absolutely no apparent regard for any regulation whatever. In the case of this young man, he would flaunt it right in your face. You could not go around him without seeing that he was doing something he should not have done, and he never had sense enough to get out of your way, apparently, in many things he did.

The CHAIRMAN. "November 22, deliberate violation of regulations—15 demerits." The nature of the violation is not put down here. Do you recall anything about that?

Lieutenant-Commander DECKER. That was, I think, the result of my finding him on three different occasions unprepared for inspection. The regulations state that between certain times all midshipmen's quarters shall be ready for inspection, and the midshipmen themselves shall be, if possible, in their rooms ready to receive the inspecting officer. On a previous occasion I had warned that young man that he must get out of that habit; that he must stop it. He had not been paying any attention to it, and I think that was what it was. I think on three different occasions he had paid no attention to that regulation.

The CHAIRMAN. Do you remember if this was the case where his excuse was that he had been summoned to appear before either the court-martial or the board of investigation, and had to put on his uniform, and while he was preparing to go he was found, and of course his room was in a state of disorder? I think that is the occasion when he spoke of that excuse.

Lieutenant-Commander DECKER. I do not remember whether that is the occasion or not. There was such an occasion. That was the excuse he gave. The fact of the case is that he had been informed that he was to go to this court in ample time for him to have gotten into his clothes, but he was not doing that. He was playing that same game. I thought at the time, and I still think, that he was waiting for me to come around. When I got to his room I found out the time he had been ordered to prepare to go before this court, and he was standing in his room with his trousers on and his coat off. As I remember, when I walked into his room he was standing before his mirror; but whether that was the case in which I reported him or not I do not know.

The CHAIRMAN. I will ask you if he had been summoned on very short notice to appear before the court-martial, so that his time of preparation necessarily fell within the time when he was supposed

to have his room in order and himself in order, whether that would have been accepted as a sufficient excuse?

Lieutenant-Commander DECKER. Oh, yes, sir, by all means. I suppose the board does not know it, but all offenses that carry with them as many demerits as that are settled by the commandant himself. I, as the reporting officer, do not assign those demerits for anything as serious as that. It would not rest with me to assign so large a number of demerits.

The CHAIRMAN. I suppose in all cases the midshipman would be permitted to talk with you personally, as well as to file with you a written statement of excuses?

Lieutenant-Commander DECKER. Always.

The CHAIRMAN. Would such a letter filed with you be invariably sent to the commandant?

Lieutenant-Commander DECKER. Invariably; yes, sir. They have to be. They are sent in every morning.

The CHAIRMAN. It could not be suppressed?

Lieutenant-Commander DECKER. No, sir.

Mr. PADGETT. I would like to ask a general question, Mr. Chairman. This young man stated that the lieutenant-commander, to use his expression, "had it in for him," meaning to imply that he had a prejudice against him and personal ill will. Was there anything of that sort, or any justification for that statement?

Lieutenant-Commander DECKER. There might be, in his mind, in this way: Anybody who deliberately violates regulations must always feel that the officer who is put there to enforce them is going to see that they are enforced, and he may think that the officer is opposed to him. I do not know. If a man is going to deliberately violate the regulations, he must expect to be reported.

Mr. PADGETT. I know; but outside of that conception of it, did you entertain toward him personally any dislike or ill will?

Lieutenant-Commander DECKER. Not the slightest.

Mr. PADGETT. That is what I wanted to know.

Lieutenant-Commander DECKER. The young man was always very amusing to me. I talked to him as a father would talk to him at times. I told him what he was doing and what it was bound to lead to. I never saw him before I met him this academic year. I never heard of him. He was an amusing sort of a character in a way, too.

The CHAIRMAN. He was rather famous along some lines of athletics, or he aspired to be.

Lieutenant-Commander DECKER. I was told that he was on the track team.

The CHAIRMAN. The evidence in the investigating board shows that an exceedingly large number of violations of discipline occurred in the mess hall, and that there were a great many cases of midshipmen being sent under the table, being made to stand on their heads, and to carry food away from the mess hall, and to shout out something in concert. How is it possible for these things to occur with a disciplinary officer present?

Lieutenant-Commander DECKER. Well, sir; the mess hall is so very large, and the distances are so great that the officer sitting at his table can not see things that take place around the different tables.

The CHAIRMAN. What proportion of the midshipmen are at his back?

Lieutenant-Commander DECKER. Well, he sits this way. His table is in this position [indicating] right in the middle. There are three corridors, practically, with one row of tables along there against the wall [indicating] and another one along the other wall. You could not turn and see those on that side of you without turning through more than a right angle to see.

The CHAIRMAN. Do you sit with your back to the end of the room or the side of the room?

Lieutenant-Commander DECKER. To the side of the room.

The CHAIRMAN. So you can look up and down the room and see the tables which face you, each way?

Lieutenant-Commander DECKER. No; you sit this way [indicating]. The tables are arranged along here, and there is a long corridor, and you would have to turn your head to see any of those tables.

The CHAIRMAN. But you are in range of vision of part of them?

Lieutenant-Commander DECKER. I do not know that I grasp your question.

The CHAIRMAN. I mean by turning your head and looking to the right you can see part of the tables, and by turning your head to the left you can see the tables in that direction?

Lieutenant-Commander DECKER. Yes.

The CHAIRMAN. But a considerable number of the tables are at your back where you would have to turn completely around to see them?

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. Are a third of the tables at your back where you could not see them without turning around more than half way?

Lieutenant-Commander DECKER. Easily a third.

The CHAIRMAN. Do you happen to remember the dimensions of this hall?

Lieutenant-Commander DECKER. No, sir; I do not.

The CHAIRMAN. It is a long hall, forming a parallelogram?

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. And the table at which the officer sits is in about the middle of it?

Lieutenant-Commander DECKER. Right in the middle of it.

The CHAIRMAN. There is considerable noise?

Lieutenant-Commander DECKER. A great deal of noise; yes, sir.

The CHAIRMAN. And a great number of waiters?

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. And noise from the dishes; and the midshipmen are at liberty to converse freely, I suppose?

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. Altogether it necessarily makes a good deal of noise?

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. Would it be an easy matter to carry food out of the hall to midshipmen?

Lieutenant-Commander DECKER. It would be if the midshipmen did not do their duty.

The CHAIRMAN. I mean so far as the observation of the officer in charge is concerned?

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. Then the discipline in the mess hall depends

almost entirely upon the performance of their duty by the cadet officers?

Lieutenant-Commander DECKER. Yes, sir.

Mr. DAWSON. How many of each class are there at each individual table?

Lieutenant-Commander DECKER. I could only give it to you in a very general way. Generally a table holds about 22, 10 on a side and 1 at each end, and those will be divided up. Those adjacent to the ends of the table are generally first class men if there are any there. You will find probably 6 first class men at a table, 3 at each end, or of second class men, I should say, because there are no first class men here now. Then would probably come about 8 third class men. That would be 14, and the rest would be fourth class men, in the middle of the table.

Mr. DAWSON. Who are the men at each end?

Lieutenant-Commander DECKER. The cadet officers or the cadet petty officers of the senior class.

The CHAIRMAN. With 22 at a table that would mean at least 40 tables—that is, if the membership is 880?

Lieutenant-Commander DECKER. Yes, sir.

Mr. DAWSON. Is there any difference between the duty of a cadet officer and a cadet petty officer in reporting infractions of regulations?

Lieutenant-Commander DECKER. No, sir.

Mr. GREGG. Can the table of the officer in charge be so placed as to give him a full view of all of the tables?

Lieutenant-Commander DECKER. It could be placed so as to give him a full view, not so that he could see anything taking place. You could put him at the end, and he would have this great long hall before him. I think it must be nearly 300 feet long. It would be a question of seeing what took place 300 feet away, with the screen of all these different tables with the midshipmen sitting there between him and the other end of the hall.

Mr. DAWSON. There are a great many pillars in the room, too?

Lieutenant-Commander DECKER. There are these three long corridors with a row of pillars in the center.

Mr. GREGG. I would like to ask another question. You said something about inspections. This may have been developed by something that you have been going over, but I want to get it clear in my mind. The officer in charge makes how many inspections during the day, and of what rooms?

Lieutenant-Commander DECKER. It depends very largely upon conditions and upon the officer in charge himself, as to how many he would make.

Mr. GREGG. There is no fixed rule as to that?

Lieutenant-Commander DECKER. There is no fixed rule; no, sir,

Mr. GREGG. The officer of that division, who is not the officer in charge, makes how many inspections of his particular division?

Lieutenant-Commander DECKER. One a day.

Mr. GREGG. That is at a fixed time?

Lieutenant-Commander DECKER. That is at a fixed time.

Mr. GREGG. The midshipmen know exactly when that is to take place?

Lieutenant-Commander DECKER. Yes, sir; and the regulations state

what the condition of the rooms shall be, and how everything shall be arranged during that inspection.

Mr. GREGG. That is the only one he makes during the day?

Lieutenant-Commander DECKER. Yes, sir.

Mr. GREGG. That is all.

Lieutenant-Commander DECKER. As to the inspections made by the officer in charge, I will say that they are made at very irregular times, and generally with some purpose in view. My own practice has always been to go around about the last hour of the period. I do not go to the rooms, but around the corridors, to see that everything is quiet and orderly. I may drop into a room here and there, but I have no fixed rule about that. Then, perhaps, I will go around just after the drills are over, when they are coming back, and have a tendency to shout and yell a good deal. It has a quieting influence on them to know that the officer in charge is liable to walk around. That is the main point. In the evening, during the evening study hours, I walk around, and I generally walk around after taps, to see that things are quiet. Perhaps in the morning after reveille I walk around to see that they have come out.

The CHAIRMAN. These inspections after taps are to determine that they are all in their rooms?

Lieutenant-Commander DECKER. Those inspections are made by the cadet officers, but they make their reports at the office of the officer in charge as soon as they have made their inspection.

Mr. DAWSON. How do you account for the fact that between October 15, the beginning of the school year, and December 14, the time of the convening of the board of inquiry, that such a very large number of infractions of the rules against hazing took place without coming under the observation of the disciplinary officers?

Lieutenant-Commander DECKER. That I do not know, sir. On my personal inspections I never saw anything that led me to think for a moment anything was going on. I supposed that hazing had stopped. There had been a great deal of talk about it during the last year, that hazing had stopped, and I had not seen anything of it having been renewed and nothing that would lead me to suppose that it had. There was also a practice, which I think was the most serious part of it, and that was the connivance of the cadet officers in it, and in not doing their duty, knowing it was going on. I think they must have known it—in fact, I know they did, because some of them were participating in it themselves.

The CHAIRMAN. Yes; a large number of them.

Lieutenant-Commander DECKER. That is something I had never expected, because first class men in my time had never done that. They were always the balance wheel. The third class men did very little hazing during the year. Most of their troubles arose when they went on the practice cruise. The first class was the balance wheel, and they kept the others down. This thing of the first class getting into it never entered into our heads, and I never dreamed of that fagging system that prevailed here. Indeed, when they told me of some of the things I could not believe it, because it has been the sentiment among the midshipmen that menial service was degrading and something that they would not submit to. That is one reason why I think I would have liked to see the fourth class stand up and say, "We consider such things as degrading and unofficerlike, and we will not sub-

mit to it." I think a resolution like that from the fourth class would go a great way toward bringing them to the point where they would resist, because that is, to my mind, one of the worst features of it—that we have a lot of young men here who will endure such things and not take advantage of the protection they could readily get if they banded together. If, as a class, they had banded together, they could have stopped every bit of that very quickly. Instead of doing that, however, the tendency appears to be, as far as I hear, that they have gone to work and put some of the young men in Coventry for testifying, as they should have done. Of course the fourth class man is young here. He does not know the custom and all that, but there is a certain standard we would expect of young men coming here. I do not see how it has ever been so lowered. I do not see what has led to its being lowered in the way this investigation has shown it to have been.

Mr. GREGG. Do you not think that it would be a good idea to give the fourth class, when they come here, a talk along the lines suggested just now—that they should not submit to these degrading things?

Lieutenant-Commander DECKER. I think perhaps it would do good.

Mr. DAWSON. Of course, not having suspected such a thing, it was not likely to have been done at the beginning of the year?

Lieutenant-Commander DECKER. No one would have thought of it.

Mr. GREGG. You state that you were somewhat blinded by the impression that hazing was over, and that there was no hazing?

Lieutenant-Commander DECKER. Yes.

Mr. GREGG. Was it your understanding that hazing had stopped by reason of the promises given by the cadets to Admiral Brownson?

Lieutenant-Commander DECKER. I knew that pledge had been withdrawn; at least, it was common talk that that pledge had been withdrawn.

Mr. GREGG. Did you know that the first of the year?

Lieutenant-Commander DECKER. Yes; I knew it. I knew it in the way you know such things—by hearing the midshipmen tell of them.

Mr. GREGG. You were put on notice of that?

Lieutenant-Commander DECKER. I have asked some of the midshipmen themselves about this, and to this day some of them are not entirely certain of it. There were no official orders published.

Mr. GREGG. I want to ask you again that it was your understanding that that promise, made to Admiral Brownson, had any connection or anything to do with the suppression of hazing at the academy?

Lieutenant-Commander DECKER. You mean last year?

Mr. GREGG. Yes, sir.

Lieutenant-Commander DECKER. I think unquestionably it reduced it, but I think, as came out in the testimony, that midshipmen established certain standards as their idea of hazing.

The CHAIRMAN. It did away with physical hazing?

Lieutenant-Commander DECKER. Yes, sir.

The CHAIRMAN. And a great number of other devices were evolved to take its place?

Lieutenant-Commander DECKER. Yes; and I think them worse, because they are unmanly.

Mr. GREGG. How did you ascertain that the promises had been withdrawn? Did you ascertain that when you were out on the cruise or when you got back?

Lieutenant-Commander DECKER. I do not know. I think I heard it from the midshipmen, and that is all I have heard about it. I do not think anything was said about it officially.

Mr. GREGG. But whether you heard it from the midshipmen, or from whatever you ascertained it, was it while you were on the cruise or after you got back?

Lieutenant-Commander DECKER. It must have been after I got back.

Mr. GREGG. How long after you got back? About the time you got back?

Lieutenant-Commander DECKER. I do not know. The general idea came to me that the pledges had been withdrawn. I think that was the stand taken by the commandant. I think that is about where I must have gotten the first official idea.

Mr. GREGG. At the beginning of the academic year?

Lieutenant-Commander DECKER. Yes, sir; that all pledges had been withdrawn. I think that is what he said.

Mr. LOUD. Upon the withdrawal of that pledge I do not suppose it was considered of enough importance to post the law on the bulletin board in the academy, was it—a copy of the latest law in reference to hazing passed by Congress?

Lieutenant-Commander DECKER. I do not know, sir. I think the people thought that if hazing had been really stopped for a period of two years, as it was claimed to have been, that that would establish in the midshipmen's minds a sort of condition that he would not take it up again.

Mr. LOUD. It has come to our notice, from the president of the present third class, that he had not even read the book of regulations?

Lieutenant-Commander DECKER. You mean that book [indicating]?

Mr. LOUD. Yes; that he had consulted it at times on some disputed point, but that he had not read the regulations. If the president of the class does not read the regulations, what can you expect of the rest of them?

Lieutenant-Commander DECKER. I judge that is the case from the way they have been acting.

Mr. LOUD. That is why it seems to me a very strong warning should have been posted when that law was passed, or placed in such a conspicuous place that they certainly would know what that law was, as a warning. There has been none posted, has there?

Lieutenant-Commander DECKER. Not that I know of, sir.

Mr. GREGG. The roll of each company is called, as I understand.

Lieutenant-Commander DECKER. Yes.

Mr. GREGG. And a report of the absentees made?

Lieutenant-Commander DECKER. Yes.

Mr. GREGG. It is called by the orderly sergeant of the company?

Lieutenant-Commander DECKER. He is called the chief petty officer.

Mr. GREGG. He is the highest petty officer, is he not—the orderly sergeant?

Lieutenant-Commander DECKER. Yes, sir.

Mr. GREGG. At the beginning of this academic year was the law on the subject of hazing, or any regulation about hazing, posted on the bulletin boards or in other ways promulgated among the midshipmen?

Lieutenant-Commander DECKER. Not that I know of, sir.

Mr. GREGG. There is an orderly kept in each corridor, is there not?

Lieutenant-Commander DECKER. Well, they have what is called a midshipman in charge and his assistant.

The subcommittee, at 1 o'clock p. m., took a recess until 2 o'clock p. m.

AFTER RECESS.

The subcommittee reassembled at 2 o'clock p. m., Hon. E. B. Vreeland in the chair.

ADDITIONAL STATEMENT OF MIDSHIPMAN ARCHIBALD HUGH DOUGLAS, U. S. NAVY.

Midshipman ARCHIBALD HUGH DOUGLAS, U. S. Navy, who had been previously sworn as a witness, resumed the witness chair and testified as follows:

The CHAIRMAN. Mr. Douglas, have you anything further to say to us about the position and opinions of your classmates on the hazing proposition?

Midshipman DOUGLAS. I have not called a class meeting to find out. I intended to. Last Sunday the commandant called them down and made a speech. I happened to be there. Next day, I think it was, the first class decided that there should be no more hazing, and that being the senior class, I thought that was sufficient. Hazing is practically stopped now; in fact, it has been stopped, and I thought the decision of the first class was sufficient, and that our class being the next senior class would probably follow in their steps next year.

The CHAIRMAN. Did you talk with a good many of your class about it?

Midshipman DOUGLAS. No, sir; I have not talked with them about it.

The CHAIRMAN. The fourth class could not be expected to develop their opinions about it until your class would act, I suppose?

Midshipman DOUGLAS. I do not know, sir. I suppose they could make a stand of their own. It is usually the senior class which makes the decisions here, and the other classes abide by them. There is no hazing here now.

The CHAIRMAN. I know. Have you any doubt about the members of your class declaring themselves upon it in case they are called together?

Midshipman DOUGLAS. I think they would; yes, sir.

The CHAIRMAN. Well, I said to you at the other meeting all that could be said on it. As a committee we consider it very important for all of the classes to take a stand upon this matter, if that is the way they feel about it. The Naval Academy here belongs to the people of the United States. They have spent, I suppose, \$15,000,000 or \$18,000,000 here in developing what they hoped to be the finest naval school in the world. The people of the United States have a

right to determine what class of officers shall be turned out of the institution, it being their school, the ships of the Navy being their ships, and this being their country. There is no question, as I take it, about the opinion of the people of this country upon the subject of interfering with, maltreating, and humiliating under class men, especially when it comes in what seems to them the unmanly and cowardly form of maltreating the younger and weaker by the older. We are endeavoring to make some changes in Congress whereby we think the discipline will be established here on a more satisfactory basis. The cadets, in the public print, have been blamed pretty severely, perhaps more so than they ought to be, inasmuch as the present cadets did not originate the system. But that is not taken into consideration. They are blamed severely for the state of affairs which has been shown to exist here during the last few months. It seems to them clear that young men so intelligent that they are able to pass the examinations and get into the Naval Academy, and to remain here, must have intelligence enough to know what the public sentiment is and to respect it, as we all must, whatever position we occupy in this country, whether that of the President of the United States or members of Congress. Whatever position we may occupy, where we come before the American people we must be guided by the sentiment of the people where it is clearly known and expressed. The failure of these classes to act, after the first class has acted, will be construed by many, and will be construed by those in the House of Representatives who desire that no change shall be made in the law, as meaning that the court-martial must be reconvened and the cases tried out to the last man that can be found who has been guilty of these practices. Their attitude will be construed as one of defiance, of sullen resistance to the sentiment of the people. From that standpoint, as I explained to you last week, we would be exceedingly glad if we could take back the information to the House of Representatives that the young men in this academy, having watched the results of this system during the last few months, having become convinced that the people of the country were opposed to this practice, had decided to discountenance it and discourage it. It will be with a feeling of a good deal of disappointment that we will return without being able to carry this information. We deem it of a great deal of importance. If, in your judgment, the class would refuse to express an opinion of that kind, or if a majority of them do not hold an opinion of that kind, I can see that it would be better not to meet at all, because it would simply cause exasperation; but if it is believed that the representative men in the class and the class itself are against it, I think it is very important from the standpoint of the cadets and the standpoint of the legislators that they should express it.

Midshipman DOUGLAS. Is it not considered sufficient that the senior class should make the stand? The senior class has now said there shall be no more hazing. They have given their word of honor.

The CHAIRMAN. It is considered sufficient by the committee to have the senior class take that stand, so far as hazing is concerned for the next year. We believe that the stand taken by the senior class, together with the changes in the disciplinary procedure here, will be sufficient to prevent any considerable amount of hazing for the next year, but what I am talking about is the information we

would like to give to the country and to Congress as to the respect that these young men themselves are willing to show to the laws of this country and to the sentiment of the people, without considering the question as to whether there is not machinery on hand to compel such obedience, which I believe there is.

MIDSHIPMAN DOUGLAS. I think, in fact I have no doubt, that all of the succeeding classes will take the same step, and if the first and second classes—or the second and third classes, as they really are—should take the step now, then the following classes when they become upper classes would have to take the same step. Why is not that just the same—that the first classes, as they come, should take the decision in that manner?

THE CHAIRMAN. Well, I have endeavored to make clear to you the reason why we thought it would be a good deal of importance for the other two classes to also take the same action as showing their disposition in the matter. When your class becomes the first class there will be no legislation pending. There will be no method for you to communicate to Congress, as there is at present. There will be no other situation which will arise in which the opinions of your class can be brought to the attention of the people, to set themselves right with the public sentiment.

MIDSHIPMAN DOUGLAS. I think I understand how it is now. I do not know, but I think the class will take the stand that the present first class and second class take. I think if I called a class meeting and stated the facts as you have stated them to me, they will take the same stand. I have no doubt they will. The only thing I fear is that they do not realize what a serious question it is.

THE CHAIRMAN. Well, it is a matter of more importance to them, as I look at it, than to anyone else. The people of the country, I suppose, could survive it if we should lose a couple of hundred of the midshipmen who are now in the academy. I think if the question were put to the people as to whether we should lose them or whether they should remain here defying public sentiment upon the subject of hazing, there would be no necessity for a recount of the votes in favor of letting them go—that the majority would be so large as to obviate any necessity for counting the other side. It would be apparent, as they say up in the House.

MIDSHIPMAN DOUGLAS. I take it you want me to call a class meeting and see whether they are willing to take the same stand that the first class have taken in regard to this.

THE CHAIRMAN. I do not know of any other way in which your class can formally give their opinion upon the subject, except by getting together. Who are the two leading men, in standing, in your class?

MIDSHIPMAN DOUGLAS. In relation to standing in the class for studies?

THE CHAIRMAN. Yes.

MIDSHIPMAN DOUGLAS. Mr. Norton and Mr. Hunsacker.

THE CHAIRMAN. Do you think it would assist any if we called them in and explained to them, as we have to you, why we think it would be beneficial?

MIDSHIPMAN DOUGLAS. No, sir. I think they stand well in their studies, but I do not think their opinions would stand very high with the class.

THE CHAIRMAN. Are there any others?

Midshipman DOUGLAS. If you are going to call in any of the members of the class, I would suggest that you call Mr. R. K. Turner.

The CHAIRMAN. Is there any other that you would suggest?

Midshipman DOUGLAS. Mr. Carmichael, Mr. Markland, and Mr. Donavin. I think if you call those gentlemen in and explain the situation as it has been explained to me it would have a great deal of influence on the class. I think they understand exactly the situation.

The CHAIRMAN. I think that is all, Mr. Douglas.

STATEMENT OF MIDSHIPMAN ANDREW WILLIAMS CARMICHAEL, U. S. NAVY.

Midshipman ANDREW WILLIAMS CARMICHAEL, U. S. Navy, having been first duly sworn, testified as follows:

The CHAIRMAN. What is your full name?

Midshipman CARMICHAEL. Andrew Williams Carmichael.

The CHAIRMAN. What State are you from?

Midshipman CARMICHAEL. From New York, sir.

The CHAIRMAN. What part of New York?

Midshipman CARMICHAEL. Plattsburg, N. Y., sir.

The CHAIRMAN. You belong now to the third class, or what will be the third class until the end of the year?

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. Next school year you will be the second class?

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. Your class was not hazed, if I remember aright?

Midshipman CARMICHAEL. As we understood hazing, we really did not get any of that.

The CHAIRMAN. No physical hazing?

Midshipman CARMICHAEL. No, sir.

The CHAIRMAN. You had some running?

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. And what is properly fagging—that is, the performance of service for upper class men; but you never received physical hazing?

Midshipman CARMICHAEL. No, sir.

The CHAIRMAN. Your class had something in the nature of an agreement or pledge which was given to Admiral Brownson that there would be no physical hazing during the year?

Midshipman CARMICHAEL. No, our class never took that pledge. It was the class before ours.

The CHAIRMAN. Last year you were the fourth class?

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. Perhaps you were the participants in whatever hazing there was. Can you tell us if these practices which you call running and the performance of menial service for upper class men were known to the naval officers, the disciplinary officers? Can you tell us whether the fact that they were required or performed were known to those officers?

Midshipman CARMICHAEL. Not that I know of; no, sir.

The CHAIRMAN. So far as your knowledge goes, is the marking of the papers in examinations or the giving of demerits by the disciplinary officers conducted fairly and impartially? First as to your

examinations. So far as you know, personally, is there any complaint that the papers are not marked properly and fairly?

Midshipman CARMICHAEL. Well, of course, there are some people sometimes who do not think they have got as high a mark as they deserve.

The CHAIRMAN. You never heard them make any complaint that they were too high?

Midshipman CARMICHAEL. No, sir.

The CHAIRMAN. Sometimes they think they ought to be marked higher than they are marked?

Midshipman CARMICHAEL. Yes, sir; that is what I mean.

The CHAIRMAN. The papers are marked by number instead of by name, are they not?

Midshipman CARMICHAEL. No; I do not think they are. I think the names are on them—I know they are.

The CHAIRMAN. The names are put on the papers?

Midshipman CARMICHAEL. On each sheet; yes, sir.

The CHAIRMAN. Are they examined and passed upon by more than one?

Midshipman CARMICHAEL. I think so.

The CHAIRMAN. They pass through two or more hands in the marking?

Midshipman CARMICHAEL. Yes, sir; at the semiannual and annual examinations.

The CHAIRMAN. The examinations upon which your passing to a higher grade would depend are reexamined by others after the first examination?

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. So their action is reviewed?

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. Do you know of any cases this year where any unjust discrimination has been shown in the reporting of violations by the disciplinary officers?

Midshipman CARMICHAEL. You mean the line officers in the Navy?

The CHAIRMAN. Yes; there are four disciplinary officers, as we call them—the lieutenant-commanders who are under the commandant of cadets.

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. And the lieutenant-commanders under him, four in number, who are quartered in Bancroft Hall, are the ones I refer to as disciplinary officers in charge of discipline?

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. The question is whether they report infractions or violations of the regulations fairly and justly or whether, to your knowledge, discrimination is shown.

Midshipman CARMICHAEL. Well, I know of some cases where it seems as if it was discrimination. I do not know whether you would call it discrimination or not.

The CHAIRMAN. Can you cite any specific instances to illustrate what you mean?

Midshipman CARMICHAEL. Well, some midshipmen never seem to be able to get their requests for privileges granted as well as others, and they always seem to get more demerits than others. It is harder for them to have a statement accepted than it is for some others.

The CHAIRMAN. Is there a difference in the value of the statement from some midshipmen as compared with others?

Midshipman CARMICHAEL. That is what I mean; yes, sir.

The CHAIRMAN. Those who have more frequent violations of the rules and regulations would not be likely to have their requests for privileges granted so freely as those whose conduct was better, I suppose?

Midshipman CARMICHAEL. No, sir; there are certain what they call "conduct grades" that the privileges depend upon always.

The CHAIRMAN. Is the number of these disciplinary officers sufficient so that they ought to know about hazing practices in the rooms before or after the supper hour? Are they sufficient in number so that they should have personal knowledge of these by direct observation?

Midshipman CARMICHAEL. No; they could not very well, I do not think, sir, because they would have to have a man in every room to keep watch of them all.

The CHAIRMAN. In the mess hall how many of these disciplinary officers are stationed during the meals?

Midshipman CARMICHAEL. Just one, sir.

The CHAIRMAN. Is one officer there sufficient to observe infractions of the rules in all parts of the room?

Midshipman CARMICHAEL. Oh, I suppose some things could go on at the farther end of the mess hall which he would not see. It is a very large hall.

The CHAIRMAN. Is his back to a part of the tables?

Midshipman CARMICHAEL. He sits right in the center of the mess hall.

The CHAIRMAN. But are some of them at his back?

Midshipman CARMICHAEL. Partly at his back.

The CHAIRMAN. Behind him?

Midshipman CARMICHAEL. I do not think there is any table directly behind him, but there are some just a little ways behind him.

The CHAIRMAN. Can men be sent under the table or be made to sit on the edge of the chairs in remote parts of the room, where he could not see very well?

Midshipman CARMICHAEL. Yes, sir; I think so.

The CHAIRMAN. Do the midshipmen generally understand that all forms of hazing are contrary not only to the regulations of the academy, but to the laws of the land?

Midshipman CARMICHAEL. I never understood that; no, sir.

The CHAIRMAN. When did you first know that?

Midshipman CARMICHAEL. That they were contrary to the laws of the country? I first knew it just now, when you told me, sir.

The CHAIRMAN. Did you not know about the cases of three boys who were dismissed from the academy the latter part of 1904?

Midshipman CARMICHAEL. Well, that was according to the Naval Academy regulations, was it not?

The CHAIRMAN. I think they were cadet officers, and that there were violations of the rules by midshipmen at the table. Instead of reporting they took the punishment into their own hands in some form which would be hazing. Any punishment inflicted by a cadet officer without authority would come under the head of hazing, would it not?

Midshipman CARMICHAEL. Yes, sir; I suppose so.

The CHAIRMAN. So that in reality while it was for an infraction of the regulations, it would come under that head? That was during your first year here?

Midshipman CARMICHAEL. No, sir; that was before me. You mean Midshipman Chaffee? That was before I was here.

The CHAIRMAN. That was in 1904. You have learned during the progress of the court-martial here that hazing was contrary to law, I suppose?

Midshipman CARMICHAEL. Contrary to the regulations; yes, sir.

The CHAIRMAN. No; but contrary to the statute law of the country.

Midshipman CARMICHAEL. You mean in the academy here?

The CHAIRMAN. Yes; hazing in the academy.

Midshipman CARMICHAEL. Yes; but not hazing in colleges, for instance.

The CHAIRMAN. No; but here, and at West Point.

Midshipman CARMICHAEL. I see what you mean now.

The CHAIRMAN. I will read to you from the act of Congress approved March 3, 1903:

That the superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy, and shall not thereafter be reappointed to the corps of cadets or the eligibles for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

You knew of that?

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. Have you cadets, generally, so far as you know, understood that hazing was a violation of the law of the land, as well as of the rules of the academy?

Midshipman CARMICHAEL. According to that law, you mean?

The CHAIRMAN. Yes.

Midshipman CARMICHAEL. Yes, sir; well, I do not know as you could say generally. I suppose most of them knew that.

The CHAIRMAN. It must have been called to their attention, I suppose pretty generally, during the last few months since this court-martial has been in session?

Midshipman CARMICHAEL. Oh, sir, sir.

The CHAIRMAN. Have you knowledge as to the sentiment among the people of this country in respect to these hazing practices, as indicated by the press?

Midshipman CARMICHAEL. Well, I have a little knowledge about what the newspapers have said about it; yes, sir.

The CHAIRMAN. You of course have knowledge of the view that Congress takes of it, from the fact that they have passed these laws?

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. Making it unlawful, and punishing it by dismissal?

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. Class fighting, that is fights between members of the fourth class and upper class men, usually result from the refusal on the part of the fourth class men to obey hazing or running or fagging regulations?

Midshipman CARMICHAEL. Well, they are generally from breaking rates; yes, sir. Sometimes they are personal matters, though.

The CHAIRMAN. Well, I was speaking of class fighting.

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. So far as you know at the present time, after hazing has been brought so prominently before the midshipmen here, and its results, do you know what the opinion of the members of your class are about it now?

Midshipman CARMICHAEL. Why, yes, sir.

The CHAIRMAN. Do they think that it is a desirable system to maintain in the academy?

Midshipman CARMICHAEL. Well, I think there are a great many of them who think if it is carried on properly it is all right; yes, sir.

The CHAIRMAN. Notwithstanding the fact that it is contrary to the law?

Midshipman CARMICHAEL. Well, I do not suppose they stop to look at it in such a serious light as that.

The CHAIRMAN. Is it your opinion that the members of your class will desire to continue the practices of hazing and running unless they are compelled to stop it by the authorities; unless they are placed under such surveillance as will not permit it?

Midshipman CARMICHAEL. Well, I suppose it is an old custom that has been here so long that most everyone has gotten used to it, and they would naturally want to keep it up.

The CHAIRMAN. It is also an old custom to turn them out in quite large numbers for doing that. Do they desire to keep that also?

Midshipman CARMICHAEL. I do not suppose they do; no, sir.

The CHAIRMAN. They wish to violate the law and disobey the wishes of the country which maintains this school, and at the same time graduate into officers who shall be placed in important command?

Midshipman CARMICHAEL. No, I do not think they wish to violate the law, sir.

The CHAIRMAN. They can not practice hazing without violating the law, can they, in any way that you know of?

Midshipman CARMICHAEL. I say they would like to keep up hazing. Of course, they can not do it if the regulations are going to be so strict against it and if violations are going to be reported. A person would be a fool to haze anyone now, for instance.

The CHAIRMAN. Your class, you think, after the action that has been taken by the first class, will be obliged to stop hazing, I take it, for the next year?

Midshipman CARMICHAEL. Yes, sir; the senior class always has the say in those things.

The CHAIRMAN. Your class has taken no action to indicate whether they are going to stop hazing because they are compelled to by the authorities, or whether they are willing to obey the law and obey the sentiment of the people of the country?

Midshipman CARMICHAEL. No action that I know of has been taken.

The CHAIRMAN. Do you think a majority of your class are in favor of discountenancing hazing?

Midshipman CARMICHAEL. What do you mean by discountenancing it, sir?

The CHAIRMAN. I mean by making it bad form—the public opinion of your class being against it for the reason that it is contrary to law—discouraging it.

Midshipman CARMICHAEL. I hardly think so; no, sir.

The CHAIRMAN. Your opinion is, then, that the moment the pressure is removed from your class it would commence the practice of hazing again?

Midshipman CARMICHAEL. Unless it was made so very serious an offense that it would be dangerous to do it.

The CHAIRMAN. Their present punishment for it is dismissal from the academy. Do you mean something more serious than that?

Midshipman CARMICHAEL. It has always been that, but it has never been considered very—well; it has never been paid much attention to until now that I know of.

Mr. LOUD. Eighteen were dismissed at one time?

The CHAIRMAN. Oh, yes. If you are familiar with the history of the academy you will discover that whenever it has spread until it attracted attention it has always been followed by a large number of dismissals.

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. Eighteen at one time were dismissed, out of one outbreak.

Midshipman CARMICHAEL. What I mean is, there was no real hazing until this year, since I have been here; but they never tried to catch anyone hazing the way they have lately.

The CHAIRMAN. During the past two years that you have been here, you mean?

Midshipman CARMICHAEL. Yes, sir.

The CHAIRMAN. Has there been plenty of it during that time, except these physical practices?

Midshipman CARMICHAEL. Yes, sir; there has always been some of it here from what I understand. It is just a matter of rates and rank, just the same as there is after you get out into the service. A senior man has precedence.

The CHAIRMAN. Yes. That is a different matter.

Midshipman CARMICHAEL. I think in most cases that is all that hazing is used for, to enforce these rates. I do not think it is done just for the pleasure of hazing anyone at all.

The CHAIRMAN. I am sorry to say that we have seen a great many instances that have occurred here lately that would seem to have taken place merely for the pleasure of the upper class men, for their entertainment, or as an evidence of their superiority and authority over the lower class men. Everyone, I think, concedes that here, as elsewhere, that as midshipmen advance to higher classes they are entitled to receive additional privileges; but I think no one concedes that by reason of being in a higher class they are entitled to humiliate and maltreat the men in the lower class who are younger and presumably weaker than themselves. The practice of sending a man under the table to eat his dinner in the opinion of the people generally is unmanly. It is humiliating to a great degree to the man who is sent under the table—sent under there to eat his dinner like a dog in the presence of the waiters—and is considered to be totally incompatible with any ideas which we have of American manhood and dignity, and something that is totally unfitting to be forced upon a man who is going to be an officer in the Navy; we can not conceive how that is necessary for the preservation of any just rate.

Mr. LOUD. How many fist fights were there last year between members of your class and members of the third class?

Midshipman CARMICHAEL. I could not say exactly, sir.

Mr. LOUD. I do not mean exactly, but as near as you can recall?

Midshipman CARMICHAEL. I only remember five or six, sir.

Mr. LOUD. Did any of your class win any of those fights?

Midshipman CARMICHAEL. No, sir.

The CHAIRMAN. You do not know whether your classmates intend to indicate in any way whether they desire to voluntarily obey the law or not?

Midshipman CARMICHAEL. I haven't heard anything to indicate that; no, sir.

Mr. PADGETT. I wish to ask you one question, please. You answered a question by the chairman about the grades of conduct. You had been speaking of discriminations, and that some could get their excuses accepted or their statements accepted better than others.

Midshipman CARMICHAEL. Yes, sir.

Mr. PADGETT. The Chairman asked you if a man who had a better conduct grade could not get his statement accepted, or get more privileges than one who had a worse grade.

Midshipman CARMICHAEL. Yes, sir.

Mr. PADGETT. Do you know of any discriminations between members of the same grade by the faculty.

Midshipman CARMICHAEL. Why, I have just heard some midshipmen say that they thought they were not getting the proper square treatment.

Mr. PADGETT. Do you know any of the facts connected with it, as to whether it is well or ill founded?

Midshipman CARMICHAEL. No, sir.

Mr. PADGETT. Do you know of any cases where the officers have discriminated against individuals, midshipmen, because of personal ill will or personal dislike?

Midshipman CARMICHAEL. No, sir.

STATEMENT OF MIDSHIPMAN RICHMOND KELLY TURNER, U. S. NAVY.

Midshipman RICHMOND KELLY TURNER, U. S. Navy, having been first duly sworn, testified as follows:

The CHAIRMAN. What is your full name?

Midshipman TURNER. Richmond K. Turner, sir.

The CHAIRMAN. What State are you from?

Midshipman TURNER. California, sir.

The CHAIRMAN. You are in the present third class?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. And will soon be in the second class?

Midshipman TURNER. Yes, sir; at the end of this year.

The CHAIRMAN. And a little after that you hope to be in the first class?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Then you hope to be an officer in the United States Navy?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Carrying out the laws of your country?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. And seeing that the laws of the United States are enforced?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. As one of the officers for that purpose?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Then a necessary part of the teaching which you get at this institution ought to be along that line, I suppose?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. You are going out as one of the officers of your country, to see that the laws of the country are obeyed?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. By and by you will have command of ships and hundreds of men, where it is absolutely necessary that they shall obey the laws and the regulations of the Navy. Then your teaching here should have a good deal to do with learning the necessity of obeying the laws of your country?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. I suppose an officer himself should be an exponent of obedience to laws in order to assume that authority over the men under him?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Are you learning here among other things to obey the laws of the United States?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Do you understand that the laws of this country prohibit hazing in the Naval Academy and in the Military Academy at West Point?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. That is the one special United States statute that has been passed in relation to this academy. The United States Congress has passed no law in relation to smoking here. While that is against the regulations, yet it has been left for the authorities here. It has passed no special statute about going outside of the grounds without leave, although that would be a breach of discipline, and is strictly forbidden by the regulations of the academy. It has passed no law as to how your locker and your rooms should be maintained and arranged, although that is part of the regulations here. But on that one subject, on one particular branch of your education here and the rules which govern you, the Congress of the United States in response to public sentiment has passed a statute, has made a law. Congress has made a law providing that the superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing, and any cadet found guilty of participating or encouraging or countenancing such practice shall be summarily expelled from the academy. That is the law of this country. Did you understand that that was the case?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Is that knowledge generally had among the midshipmen here?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. When did you first discover that there was such a law as that in effect?

Midshipman TURNER. I do not remember, sir, exactly. It was either just before or just after I entered the academy. I am not positive which. I knew there was a regulation against it, of course, before; but about this law, I did not know.

The CHAIRMAN. This academy has been built and maintained at an expense to the people of the United States of a great many millions of dollars. It is the school which they depend upon for officers to command the ships of the Navy, a very important duty connected with the nation. The people who support this school, who pay for keeping it going and maintaining it, have a right, have they not, to say what sort of a school it shall be and what rules shall prevail in it?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. And boys who do not agree with the country and with their country's laws as to what they should do here ought not to come here, ought they?

Midshipman TURNER. No, sir.

The CHAIRMAN. And if they do come here they ought to come here prepared to obey the laws and to learn such things and do such things as the laws of their country and the regulations require. There can be no doubt upon that, I suppose?

Midshipman TURNER. No, sir.

The CHAIRMAN. Do you think the midshipmen generally have not given special attention to the fact that hazing is contrary to the law, that they have looked upon it more as a regulation?

Midshipman TURNER. Please tell me what you mean by sufficient attention.

The CHAIRMAN. That they have not been sufficiently impressed with the fact that the people of this country are very strongly opposed to the practices they call hazing, and that the Congress of the United States in response to that feeling of the people has passed a statute making it unlawful. Do you think they have looked at it more as a regulation of the academy, like such an offense as smoking?

Midshipman TURNER. Yes, sir; I think so.

The CHAIRMAN. Do you think that in a school maintained by the the Government, paid for by the people of the United States, that the cadets ought to conform to the wishes and ideas of the people who maintain the school?

Midshipman TURNER. I think so; yes, sir.

The CHAIRMAN. As to their conduct?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Do the cadets here know that it is contrary to the wishes of the people of this country that hazing shall take place in the academy?

Midshipman TURNER. Yes, sir; I think they do.

The CHAIRMAN. Are your classmates, as far as you know, willing and desirous of complying with the sentiment of the people about this?

Midshipman TURNER. They do not object to hazing going out of vogue, but they do object to the classes being put on an equality.

The CHAIRMAN. What you would call rates?

Midshipman TURNER. Rates; yes, sir.

The CHAIRMAN. You mean by that that you think as they progress to the higher classes their privileges and importance should increase?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Well, they are bound to increase, are they not?

Midshipman TURNER. They have heretofore, I think, but now the classes are being put on almost the level with each other, one without any more right than the other classes.

The CHAIRMAN. The first classes have greater privileges under the rules of the academy, have they not, than the fourth class men?

Midshipman TURNER. Yes, sir; slightly. But now—perhaps I ought to explain it. Last year it was the current saying around the academy that the superintendent had said that he did not object to class rates, and class rates were rigidly enforced, and that was all. The fourth class men had to keep their rates and the third class men had rates to keep, and even the second class men had rates. This year it is reported that the superintendent has said that he does not want any class rates. That is one thing that nobody wants to see go.

The CHAIRMAN. I had understood that some of the rates were to be officially recognized in the new rules?

Midshipman TURNER. I do not know anything about that, sir.

The CHAIRMAN. I notice in reading over the investigation conducted here that there was a rate against a fourth class man having his hair cut at the barber shop on some particular day, say Friday?

Midshipman TURNER. That is an official rate, sir.

The CHAIRMAN. We found that one of the upper class men, I think a first class man, sent a fourth class man on Friday to have his hair cut. The fourth class man obeyed the order of the first class man and went to have his hair cut. Then he was hazed by another first class man for having his hair cut on Friday. Does that come under your system of maintaining rates?

Midshipman TURNER. No, sir.

The CHAIRMAN. What do you mean by rates?

Midshipman TURNER. In maintaining the rates, when hazing was at its height, a man never rated making a fourth class man break any regulations, and it is against the regulations for a fourth class man to go to the barber shop on Friday. The fourth class man can refuse to go on that day, and neither the first class man nor any other class man could say anything to him about it.

The CHAIRMAN. If the fourth class man refuses to obey the order of the upper class man, I suppose he can fight as an alternative, can he not?

Midshipman TURNER. I do not think that anything like that would ever be brought to a fight, sir. All he has to do, if an upper class man orders him to break a regulation and he refuses to do it, is that he can go to another upper class man, some upper class man he knows—what we call a “spoon”—and tell him about it, and it will be fixed up.

Mr. GREGG. Suppose he does not have a spoon?

Midshipman TURNER. They all have spoons, sir. I never heard of any that had not.

The CHAIRMAN. Is the practice of sending boys under the table to eat their dinners done for the purpose of maintaining rates?

Midshipman TURNER. No, sir.

The CHAIRMAN. Then you would not favor a retention of those parts of the system?

Midshipman TURNER. No, sir.

The CHAIRMAN. And the standing of the boys on their heads two or three hundred times. Is that necessary to maintain the rates?

Midshipman TURNER. No, sir.

The CHAIRMAN. You would not favor that?

Midshipman TURNER. No, sir.

The CHAIRMAN. Then your idea of the maintenance of anything that may come under the definition of hazing, is that part of it which relates to rates only?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Official rates promulgated by the class, and not any particular rate which the whim of an upper class man may lead him to put out?

Midshipman TURNER. There are no such rates as that. The president of the first class makes out a list of rates at the beginning of every year and sends them out. Everybody knows what his rates are. After a man has been in the academy for a month he knows what his rates are.

Mr. DAWSON. Do you think hazing is necessary to maintain those rates?

Midshipman TURNER. I do not think so, sir. It was not last year.

The CHAIRMAN. What do you think of class fighting as an institution, Mr. Turner? I refer particularly to fights between fourth class men and the upper class men, for refusal to obey some part of the hazing system?

Midshipman TURNER. I think it has often been necessary to make a fourth class man fight, when he has broken a rate, and had continued to do it.

The CHAIRMAN. Well, you stick to the word rates. Rates, as far as we have observed, covers a very small portion of the cases which lead to fights, and which lead to complaint of the hazing system. If an upper class man sends a boy on his head and he refuses. I suppose that means a fight, does it not?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. That is the only weapon he has to enforce it?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Under the system of class fights between the fourth class men and upper class men, a younger, less experienced, and less skillful boy in the matter of fights is put against some experienced, toughened, seasoned, upper class man, where he is almost certainly going to be licked. Is that the fact?

Midshipman TURNER. The fourth class man usually is whipped.

The CHAIRMAN. Yes. And if by any strange mischance he happens to win another upper classman would be selected, and he would have to try it again, would he not?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Do you not think it is a rather cowardly system which puts against a new boy here, who has perhaps had no opportunity to become skillful in fighting and knows nothing about it, a practiced fighter from the upper class, older and more experienced in every way, and where the result is a foregone conclusion? Is that not what the American people call rather unmanly, and cowardly, where a man has little chance? How would they view that out in California?

Midshipman TURNER. I think they would look at it there much the same as they do at other places.

The CHAIRMAN. Yes?

Midshipman TURNER. I think myself, I believe to a great extent in hazing, and entirely in rates. I believe that if a man comes in here he knows there is a certain thing ahead of him, and he soon finds out what it is. One of the greatest objects in hazing and in rates is to teach respect and to get respect from those underneath you. If these rates were knocked out completely, in a very short time, I think, the academy would be so that a fourth class man would not give very much respect to a first class man or to an officer. In the time when hazing was at its height the officers who graduated then show greater respect toward their superiors than any other officers in the line, and it is the same thing in the academy. Respect and obedience and subordination are what hazing and rates teach.

The CHAIRMAN. Yes? And obedience to laws and regulations are taught by hazing?

Midshipman TURNER. No, sir; I said obedience to your superior.

The CHAIRMAN. Are the officials in this institution the superiors of the midshipmen?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Then that means obedience to them. Do you know of any cases until within the last six weeks where cadet officers reported violations by their classmates of the regulations here?

Midshipman TURNER. Very few.

The CHAIRMAN. Was it the order of their superiors when they were put in these positions of trust that they should report such violations?

Midshipman TURNER. Not directly, sir.

The CHAIRMAN. What do you mean by that?

Midshipman TURNER. It was understood that they would report all violations, but they were not told to. They were not given the direct order to do so.

The CHAIRMAN. What were they made cadet officers for? Just for ornament?

Midshipman TURNER. No, sir; as I say, it was understood, but they did not do it.

The CHAIRMAN. The regulations require it, do they not?

Midshipman TURNER. I believe so, sir; yes, sir.

The CHAIRMAN. Why, yes; cadet officers have duties to perform, do they not?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Those duties among others are to maintain discipline in the companies of which they have charge and to report to their superior officers violations of the regulations and infractions of discipline. Is that the duty of a cadet officer?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. You say you know of very few instances where they have done this?

Midshipman TURNER. Where they have reported their classmates.

The CHAIRMAN. Then the system of hazing does not result in teaching them obedience to their superiors?

Midshipman TURNER. I do not think that that has anything to do with the hazing, sir.

The CHAIRMAN. I understood you to say that you thought when the system was in vogue there was a greater obedience to superiors, and that it had taught obedience.

Midshipman TURNER. Hazing has not been in vogue since I have been in the academy except this year.

The CHAIRMAN. But forms of running have been in vogue, were they not?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Everything that is defined as hazing except the requiring of physical exercises has been in vogue, has it not?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. When you came into this academy did you subscribe to the following oath?

I, Richmond Kelly Turner, of the State of California, aged 19 years, having been appointed a midshipman, do hereby engage, with the consent of my parents (or guardian), that I will serve in the Navy of the United States for eight years, unless sooner discharged by competent authority.

And I, Richmond Kelly Turner, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the rules and articles for the government of the United States Navy; so help me God.

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Why did you take that oath? Are you complying with your oath and obeying the orders of your superior officers as well as the law of your country when you participate in the practices of hazing?

Midshipman TURNER. No, sir.

The CHAIRMAN. You are distinctly violating your oath.

Midshipman TURNER. I beg your pardon, sir; but I think not. I do not think it is violating your oath.

The CHAIRMAN (reading). "And that I will obey the orders of the President of the United States and the orders of the officers appointed over me." Are the officers in this institution, the superintendent and the lieutenant-commanders, your superior officers?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. The orders of the superintendent of this academy, among others contained in these books, are your regulations for the interior government of the academy?

Midshipman TURNER. There is a difference, I think, between obeying general orders and obeying a specific order. When general orders are issued to a fleet out in the service if anyone breaks any of those orders he is punished not for disobedience of the orders, for he is not considered to have broken any orders, but he is punished for the offense. If an officer, on the other hand, tells him, or he receives orders addressed to him and to him alone, when he breaks those and refuses to obey them he is disobeying orders, and then is not complying with what is demanded of him.

The CHAIRMAN. You are getting into a subject that is too large for me when you go into the management of fleets. I am not familiar with that. I have looked over some of the laws and regulations of the United States for the government of the enlisted men on board ship. They are contained in these books. Are enlisted men on board a battle ship, for example, privileged to do anything they have a mind to do except to disobey orders which come to them personally from the captain, or are they bound by these regulations of the country?

Midshipman TURNER. They are bound by them. You misunderstand, sir. I said it was not treated as disobedience to orders when they broke any general regulations.

The CHAIRMAN. Oh, yes. You mean orders issued for the direction

of vessels, where they shall go, and what they shall do. That, of course, would necessarily come as an order from a superior officer, and could not be contained in the regulations.

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Then your construction of it is that the violation of any of the rules laid down in these books is not a violation of the oath which you took when you came in here?

Midshipman TURNER. No, sir; that is my construction of it.

The CHAIRMAN. Besides the orders of the superior officers, your oath states that you will obey the rules and articles for the government of the United States Navy. Do you include the regulations for the government of the Naval Academy as a part of the rules and regulations?

Midshipman TURNER. I never thought of it in that light before, sir, I must say.

The CHAIRMAN. So far as you know, Mr. Turner knowing what the law of the United States is upon the subject of hazing in this institution, knowing what the sentiment of the people of the United States is about it, do you think your classmates are willing to voluntarily obey it whether they are compelled to by superior force or not?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. The members of your class, then, so far as you know, are not in an attitude of defiance to the law and regulations of the academy?

Midshipman TURNER. No, sir.

The CHAIRMAN. And willing to obey only as far as you are compelled to obey by the superior force?

Midshipman TURNER. No, sir. That is not the attitude, sir.

Mr. GREGG. Mr. Turner, in answer to a question by the chairman you stated that you objected to an abolition of rates in the academy.

Midshipman TURNER. Yes, sir.

Mr. GREGG. Do you mean by that the rates that are made by the president of the first class?

Midshipman TURNER. Yes, sir.

Mr. GREGG. Then you believe in the maintenance of those rates?

Midshipman TURNER. Yes, sir.

Mr. GREGG. I believe you stated that that is the only way to get respect from those underneath you. Is that your statement?

Midshipman TURNER. I think it is the best way.

Mr. GREGG. Does any man owe any respect or obedience to his superiors except such as are prescribed by law or the regulations?

Midshipman TURNER. You mean in the academy here, sir?

Mr. GREGG. Yes.

Midshipman TURNER. Only to the extent that those who are in the class above him in the academy will always be his superiors as long as he lives, if he stays in the Navy, and I think he does owe them respect.

Mr. GREGG. When he goes into the Navy does he owe his superiors any deference or respect that is not prescribed by the regulations of the Navy?

Midshipman TURNER. I can not say as to that.

Mr. GREGG. What do you think would be done with a lot of officers on a ship who sat down and established a lot of customs, or prescribed

a lot of rates to be observed toward them by their inferiors on the ship, different from those prescribed in the regulations?

Midshipman TURNER. There have been those rates, sir.

Mr. GREGG. Amongst officers of the Navy?

Midshipman TURNER. Amongst officers of the Navy. There is a rate—I do not know whether it is prescribed by regulations or not, but it originally came from the officers among themselves prescribing it—that is, that no junior officer shall go on the starboard side of the quarter deck, and that no noncommissioned man or midshipmen shall go over the starboard gangway.

Mr. GREGG. Do you know whether those are prescribed by the regulations?

Midshipman TURNER. I do not know.

Mr. GREGG. Do you not think it would lead to a system of tyranny eventually if officers were permitted of their own volition to establish customs that must be observed toward them, that are not prescribed by some general head?

Midshipman TURNER. No, sir; if the customs and rates just grow naturally of themselves, I do not think it would. If they arbitrarily establish a lot of rates, I do not think it would be right.

Mr. GREGG. Are these not arbitrarily established?

Midshipman TURNER. No, sir; every rate that is made is for the convenience of those who are above the fourth class men.

Mr. GREGG. Is not anything arbitrary that is not legal?

Midshipman TURNER. No, sir. I understand by the word arbitrary that it means the opposite of something that has grown up by custom.

Mr. GREGG. In other words, it is found to be convenient, by custom and, therefore, you think it ought to be legal, and you call it legal; is that it?

Midshipman TURNER. I do not call it legal. It ought to be legal, I think.

Mr. GREGG. It ought to be?

Midshipman TURNER. Yes, sir.

Mr. GREGG. But you do not think it is?

Midshipman TURNER. It was under the other administration perfectly legal. I believe it is not under this.

Mr. GREGG. If it is not legal then they have no right to expect it of those under them, have they?

Midshipman TURNER. Not unless they are willing to give it.

Mr. GREGG. Right along that line, do you think any man has got the right to expect voluntary service from somebody who is not under obligation or bound to give it?

Midshipman TURNER. May I ask you to state what you mean by service, sir.

Mr. GREGG. The observance of any custom toward him that he is not bound to give.

Midshipman TURNER. I think the courtesy, respect, and obedience due to seniors should be expected.

Mr. GREGG. Do you not think the wisdom of those who have for years been formulating the rules of the academy and of the Navy is sufficient to establish the proper demeanor of one officer toward another?

Midshipman TURNER. Yes, sir.

Mr. GREGG. Then, if that is sufficient is it not wrong for someone else to establish different rules?

Midshipman TURNER. But they take no cognizance of the relations that one midshipman bears to another. They do not recognize any relations that we have with each other, that I know of, in the regulations. We are living here, one thousand of us, right in one building. Sometimes it is pretty hard to get along all around. Often pretty hard situations come up, and things that are hard to deal with. The authorities do not recognize those, and we have to look out for those things ourselves. We have to see that we do not lose our self-respect.

Mr. GREGG. In your internal dealings, one with another, should there be any rules of respect from one to the other except such as are customary between gentlemen?

Midshipman TURNER. I think so, sir, because the mere fact that respect is always due from a junior runs right through the Navy, in all their official relations.

Mr. GREGG. If the junior properly conducts himself, so as to command that respect, will he not get it without the use of any force, or the enforcement of any rates?

Midshipman TURNER. You mean the senior, do you not?

Mr. GREGG. If the junior properly conducts himself, will he not naturally command respect of his seniors without the use of force or any other means?

Midshipman TURNER. I do not think that would be a safe policy to introduce in the naval service. The orders of a superior officer have to be obeyed and he has to get respect. He must have the respect that is due him.

Mr. GREGG. If he issues an order that he has authority to issue, that would not be a rate, would it?

Midshipman TURNER. No, sir.

Mr. GREGG. Then he is required to obey any order that his superior has issued?

Midshipman TURNER. Yes, sir.

Mr. GREGG. The orders that he can issue are prescribed by the accumulated wisdom of years, of the men who have managed this institution. Do you not think that ought to be enough?

Midshipman TURNER. Officially, sir, but not in our private relations with each other. There is not a thing in the regulation book that I have ever been able to find——

Mr. DAWSON. Do not the officers of the academy recognize the privilege of the upper class men, for instance, in the matter of boats which they may use, or in the matter of the entrances which they may use, or the precedence of one class over another at the pay office, and matters of that kind?

Mr. GREGG. And in the barber shop?

Midshipman TURNER. They do not at the pay office, and never have, except in the matter of midshipmen themselves allowing others to come ahead of them. In the other cases some of them do, and some of them do not.

Mr. DAWSON. Do you think any man could prescribe a set of regulations which would recognize the privileges of the upper class men?

Midshipman TURNER. No, sir; I do not think he could.

Mr. DAWSON. You do not think an officer of the academy, then, could perform the same services which your rate committee is performing?

Midshipman TURNER. No, sir.

The CHAIRMAN. He could not satisfy the boys?

Mr. PADGETT. I would like to ask one or two questions. In answer to a question by the chairman you stated that every fourth class man had his spoon?

Midshipman TURNER. Yes, sir.

Mr. PADGETT. What service does he perform for his spoon in consideration of the protection and advice he receives?

Midshipman TURNER. He does not perform any service at all. The spoon is a man that you have known before you entered the academy. He is from your own State or town, or knows people that you know; that is, there is some tie between you in some way. You are merely friends. The fourth class man has nothing to do in the way of service.

Mr. PADGETT. When an upper class man requires a fourth class man to come to his room every morning and raise his window curtains and wind his clock for him, is that upper class man occupying the position of a spoon in that?

Midshipman TURNER. No, sir.

Mr. PADGETT. What position is that?

Midshipman TURNER. Well, it is just the regular position that any one upper class man occupies to any fourth class man that he has nothing in common with, or does not know.

Mr. PADGETT. You call that fagging?

Midshipman TURNER. No, sir.

Mr. PADGETT. You call it running?

Midshipman TURNER. We call it running; yes, sir.

Mr. PADGETT. You call, then, the performance of any menial service required of a fourth class man by an upper class man running?

Midshipman TURNER. Yes, sir; I think I would call it that.

Mr. PADGETT. Do you think that is necessary for discipline?

Midshipman TURNER. No, sir; I do not.

Mr. PADGETT. What form of hazing do you think is necessary for discipline? You have said that you thought hazing was beneficial to discipline. Please indicate what forms of hazing you think are necessary for discipline?

Midshipman TURNER. For a fourth class man to say "sir," and for him to rise when an upper class man enters the room; and to keep out of the way as much as possible, and not to intrude himself.

Mr. PADGETT. Do you think fighting is necessary for discipline?

Midshipman TURNER. I do not believe much in fighting, unless a personal matter is brought up.

Mr. PADGETT. I mean outside of personal matters. I do not mean a personal encounter, in the heat of passion, under provocation, but as a matter of discipline. do you believe the requiring of fourth class men to fight with upper class men is necessary for discipline?

Midshipman TURNER. I think it has been occasionally necessary; yes, sir.

Mr. PADGETT. Do you think putting them under the table is necessary for discipline?

Midshipman TURNER. No, sir.

Mr. PADGETT. Do you think requiring them to stand on their heads is necessary for discipline?

Midshipman TURNER. No, sir.

Mr. PADGETT. Or to do the "sixteenth?"

Midshipman TURNER. No, sir.

Mr. PADGETT. Or the leaning rest?

Midshipman TURNER. No, sir.

Mr. PADGETT. Or crew?

Midshipman TURNER. No, sir.

Mr. PADGETT. None of those are necessary for discipline?

Midshipman TURNER. No, sir.

Mr. PADGETT. Now, then, give me the principle or theory upon which the upper class men require the fourth class men to do that.

Midshipman TURNER. It is done usually, I believe, as a punishment for some breaking of rates, or some disrespect, or something of that sort.

Mr. PADGETT. It is necessary to have that form of hazing to maintain the rates?

Midshipman TURNER. No, sir.

Mr. GREGG. How would you maintain the rates?

Midshipman TURNER. That is rather a hard question to answer, I think. I will have to say the way it was done last year. The rates were maintained very excellently, I think, just as well as could be expected, and without any of these aids that you have mentioned.

Mr. PADGETT. Without physical hazing?

Midshipman TURNER. Without any physical hazing whatever.

Mr. PADGETT. Did you resort to running to maintain your rates in lieu of hazing?

Midshipman TURNER. We call it all running, sir; the whole thing.

Mr. PADGETT. I do not ask you what you call it, but did you practice it for the purpose of maintaining your rates when you had abolished physical hazing?

Midshipman TURNER. I do not quite understand what you mean, sir.

Mr. PADGETT. You had an agreement last year not to have physical hazing—an agreement of the upper classes?

Midshipman TURNER. Yes, sir.

Mr. PADGETT. They kept that agreement, I assume?

Midshipman TURNER. Yes, sir.

Mr. PADGETT. When they could not resort to physical hazing, did they resort to other forms of running to punish lower class men for violations of rates?

Midshipman TURNER. Yes, sir.

Mr. PADGETT. Singing songs, telling dirty stories, and things of that kind—cussing out the officers—that all came under the head of running, I believe?

Midshipman TURNER. I do not understand what you mean by cussing out officers.

Mr. PADGETT. When an officer did not do something to suit you, and when you would have a fourth class man, in the absence of the officer, go through the performance of cussing out the officer.

Midshipman TURNER. I never saw that.

Mr. PADGETT. Did you ever hear of it?

Midshipman TURNER. No, sir.

Mr. PADGETT. Would you think that was necessary?

Midshipman TURNER. No, sir; I would not think it was necessary at all.

Mr. PADGETT. Singing ludicrous songs, or any kind of songs. Is requiring that a part of the discipline?

Midshipman TURNER. Occasionally it was, but usually it was for amusement, I think.

Mr. PADGETT. That was a part of the discipline to maintain the amusement of the institution. Well, telling dirty stories; did that come under the head of amusements?

Midshipman TURNER. I presume it must have, sir.

Mr. PADGETT. Was the right to require an under class man to do that classed under the authority of the upper class men to discipline the fourth class men?

Midshipman TURNER. You understand, if any man had any objection to telling a dirty story he did not have to do it.

Mr. PADGETT. Did he not have to?

Midshipman TURNER. No, sir.

Mr. PADGETT. Suppose the under class man—the fourth class man—objected to being hazed for any purpose. What would they do with him?

Midshipman TURNER. If it could not be arranged through his spoon, and if neither side would concede anything, I suppose he would have to fight.

Mr. PADGETT. Suppose he declined to fight. What then?

Midshipman TURNER. If a man declined to fight he would be ostracized.

Mr. PADGETT. And that was part of the discipline of the school?

Mr. GREGG. Suppose he would assign as a reason for not fighting that it was contrary to the regulations, and therefore contrary to his oath. Would he still be ostracized?

Midshipman TURNER. I think he would; yes, sir.

Mr. GREGG. Do you mean to tell me, then, that a man would be ostracized for not breaking his oath?

Midshipman TURNER. No, sir; he would be ostracized for not fighting; I can not conceive of a man who could give a reason like that.

Mr. GREGG. Is it not contrary to the regulations to fight?

Midshipman TURNER. Yes, sir.

Mr. GREGG. Is it not contrary to your oath?

Midshipman TURNER. No, sir; it is not contrary to the regulations.

Mr. GREGG. Class fighting?

Midshipman TURNER. Any kind of a fight. There is nothing in the regulations that says there shall be no fighting.

The CHAIRMAN. The word fighting does not appear in the regulations. That is classed under gross disorders.

Mr. PADGETT. Along the same line, speaking about fighting, when you were arranging these fights did you ever invite the officers, the disciplinary officers, or the superintendent of the academy, or the commandant of cadets to witness them?

Midshipman TURNER. No, sir.

Mr. PADGETT. Why? Would they not be good judges of it?

Midshipman TURNER. I suppose they would have stopped it.

Mr. PADGETT. Why would they have stopped it?

Midshipman TURNER. Because, I suppose, they would think it was not right.

Mr. PADGETT. Then it was against discipline, was it not? Would

they not have stopped it because it was not in conformity with the discipline of the school?

(The witness did not answer.)

Mr. PADGETT. Well, we will go to another question. We will get away from the boys. I want to ask you something about the officers now. Do you know of any case where the officers in the school during the present academic year have known of any hazing and winked at it, or refused or neglected to report it?

Midshipman TURNER. I know of none myself. I have heard of one case.

Mr. PADGETT. Please indicate what it was.

Midshipman TURNER. It came out in the court-martial of Mr. Mayo. That is the only one I know of.

Mr. PADGETT. That is the Snyder matter?

Midshipman TURNER. Yes, sir.

Mr. PADGETT. Do you know of any favoritism among officers in their treatment here of the cadets in their gradings of their studies or in the assignment of demerits for conduct? By favoritism I mean unfair treatment.

Midshipman TURNER. I have heard of unjust treatment occasionally; yes, sir.

Mr. PADGETT. What did it consist of?

Midshipman TURNER. Well, I have heard sometimes of instructors giving unfair marks to people whom they disliked and giving too much to people they did like.

Mr. PADGETT. Upon what was that based; just the statement of the man himself or an examination of the papers in the case?

Midshipman TURNER. I have seen cases of that myself; at least I would judge it to be exceedingly unfair.

Mr. PADGETT. Will you give us the facts of a concrete case, so that we may know upon what you base your opinion?

Midshipman TURNER. Well, I have only noticed perhaps two or three. I do not remember of but one now, I believe. That was in French, in the modern language department. I remember seeing one of the midshipmen come into the room one time just before we took our seats. He was smiling or laughing about something, and the instructor thought he was laughing at him. So he gave him a very unsatisfactory mark that day, after speaking to him very harshly about it. He gave him a very unsatisfactory mark for that day, and I thought the man made a very good recitation myself.

Mr. PADGETT. With reference to hazing, I just want to ask you one question. Suppose the punishment for hazing was abolished and there was no punishment for hazing at all, would the boys here practice it in the present state of their feelings?

Midshipman TURNER. Well, I do not know. I do not know about that. I think the very large majority of the people would be very strongly against knocking on hazing again. I think the classes, at least the two upper classes, would be against hazing, and I think that would be so with a majority of them. There might be some that would not feel so.

Mr. GREGG. You say you believe a majority of the two upper classes would be against hazing?

Midshipman TURNER. Yes, sir.

Mr. GREGG. What do you include in the word hazing?

Midshipman TURNER. Physical exercises.

Mr. GREGG. Simply physical exercises?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Would you include sending a man under the table under that term?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. You would not believe in that?

Midshipman TURNER. No, sir.

Mr. LOUD. I want to ask you a question or two. By whom, in the upper class, is the man selected who is to go into the ring with the fourth class man?

Midshipman TURNER. The class president, sir.

Mr. LOUD. Is it expected that he will give the fourth class man a fair chance?

Midshipman TURNER. Yes, sir.

Mr. LOUD. In what way?

Midshipman TURNER. In that the weight of the men must be practically the same, and their general build is to be just about the same—as nearly as possible.

Mr. LOUD. Then they consider that a fair show?

Midshipman TURNER. As fair as can be given, I think; yes, sir.

Mr. LOUD. Is not that the least qualification of a fighter? Take, for instance, a collie dog and a bulldog and have one the same weight as the other. Would that indicate an equally fair show between the two? The fighting spirit of the bulldog is really the prime factor, is it not?

Midshipman TURNER. Yes, sir; I presume it is.

Mr. LOUD. Then the skill which one man has over another is still more than the weight?

Midshipman TURNER. Yes, sir.

Mr. LOUD. So that of the three elements of a fighter—fighting spirit, skill, and weight—they pay attention only to the least of the three, and simply say that the weight shall be the only real factor in matching them?

Midshipman TURNER. Yes, sir.

Mr. LOUD. Outside of an academy like this that would be considered unfair, would it not?

Midshipman TURNER. There is no other way in which they can match them that I know of, sir.

Mr. LOUD. It makes it a foregone conclusion, however, that the fourth class man must be defeated?

Midshipman TURNER. Not foregone; no, sir.

Mr. DAWSON. He would be better off if he were whipped the first time, would he not?

Midshipman TURNER. Yes, sir.

Mr. LOUD. From my feeling in the matter I would a good deal rather be the man that was whipped than the victor under those circumstances. It would be better for my conscience in years to come. If I had to feel all my life that I had whipped a fourth class man under such circumstances it would be something that I would be ashamed of as long as I lived, and I can not understand how they can reconcile such a practice with American ideas. You think it is a fair proposition to put into a ring here a man who is superior in

fighting spirit, of known fighting spirit, a man who is superior in skill and in every way, and put against him a fourth class man?

Midshipman TURNER. Well, you do not know anything about the fourth class man. It is putting a known quantity against an unknown quantity.

Mr. LOUD. Is it not an unfair practice?

Midshipman TURNER. I do not see how else it could be done.

Mr. LOUD. Why do they do it at all? If it can not be done fairly why not do away with it? Why be a party to it?

Midshipman TURNER. It has always been considered necessary.

Mr. LOUD. Well, it is a practice that is abhorrent to all the people of the United States. It is, I think, more abhorrent than hazing. How is it that the young men, knowing that the whole people of the United States abhor such an exhibition of unfairness can continue it, and why should they continue it?

Midshipman TURNER. I think a man is not very apt sometimes to consider what other people think about it. We have a problem to solve and we do the best we can to solve it.

Mr. GREGG. Do you mean to say that they do not care what the people think about it?

Midshipman TURNER. No, sir; I do not mean to say that at all.

The CHAIRMAN. You were speaking about discipline on board ship, which seemed to me to convey a false impression on your part as to the orders issued by the captain, and you spoke of what you called rates and mentioned certain parts of the deck that junior officers should walk upon. The captain of a ship is in command of it to give such orders as he may think necessary, and he is the judge of it, except, of course, that they can not be contrary to the regulations or to the law. When he indicates a certain portion of the ship where a portion of the crew or officers may go, or indicates anything else as an order, that is not a rate, is it? That is the issuance of an order supposedly for good reason by legal authority.

Midshipman TURNER. Yes, sir; but I did not say that, sir. He does not issue that order. That is just a standing rate from time immemorial, I guess, about certain parts of the ship being sacred to certain people.

The CHAIRMAN. But if the captain issues an order that is not unlawful or illegal instead of rating it is a proper regulation?

Midshipman TURNER. Yes, sir.

The CHAIRMAN. Where do you get the conclusion that anywhere, in any time, in any country, military discipline and naval discipline are included in or depend upon anything except lawful and legal authority? The moment you go outside of lawful and legal authority is there not an end to discipline? The moment the soldiers in a regiment set up their own system or determine for themselves whether they will obey army regulations or directions of their superiors, is there not an end to discipline in that?

Midshipman TURNER. We do not set for ourselves the right to say whether we shall obey or disobey regulations; that is, a regulation may have been disobeyed, but we do not say that we have the right to say whether w —

The CHAIRMAN. I beg your pardon. The whole theory of this institution rests upon self-government. There are four disciplinary officers here among nearly a thousand young men. As you say, it

would be ridiculous to suppose that those four men could observe each man and see that he did his duty in all respects. Hence the theory in this school is that the young men shall be appointed among themselves, and that there shall be self-government—that from the upper classes young men are appointed as cadet officers. Their duties are prescribed to them, orders are issued to them, either directly or through regulations. They are to observe in the company under their charge whether they do the things they ought to do according to regulations; whether they commit breaches of discipline and of regulations, and to report them. That is the very basis of your discipline here, just the same as it would be in an army. The general commanding an army can not see all the companies. He must depend on his officers, away down to the petty officers, to do the duty intrusted to them. The moment they do not do it discipline is at an end in the army. It is a mere disintegrated mob. There is no discipline there. You have testified, and we have received the same information from numerous sources, that the cadet officers here have neglected and refused to perform their plain duty in reporting breaches of discipline and violations of regulations. They have done that under a code that they have set up themselves—that it is a greater impropriety to report a classmate than it is to violate the duty they are put there to perform. If that is not absolutely setting up a government of their own, in defiance of the regulations and discipline of the academy, then I am unable to understand what effect it has.

Mr. DAWSON. As well as in defiance of the laws of the country.

The CHAIRMAN. As well as of the laws of the land. It seems to me that a persistence in educating young men in this school along those lines would be fatal to the discipline of the Navy, and would preclude the possibility of turning out such officers as we have had during the years of our history, who have reflected such credit on their country. I can not conceive how young men can figure out discipline in an army or navy as being anything but legal and lawful authority. The moment we go out of that we depart from legal military discipline. I can not conceive of what your idea of respect to a superior must be. Respect, in its proper term, means that those who are inferior in rank shall look up to you for the things which you possess, for the ability which you possess. Your conduct in your daily walk of life is the thing that invites respect. If I am able to send a man under the table or stand him on his head, I can not see how that makes him respect me. I can conceive that if I am able to force him to do that it may make him fear me. If that is what you want to build up among the young men here—that they shall fear those in authority through being compelled to do things—I can see, perhaps, that the system may bring the result you speak of. Here in this academy are officers of the Navy, from the Admiral down to the newest lieutenant. I can conceive that respect is due from these young men to those who are superior to them in learning, in knowledge, in experience, in all those things which would properly invite respect, but could you conceive of an admiral coming into this place, for instance, and forcing a younger officer to perform menial service for him—forcing him to humiliate himself in some way—in order to invite that young officer's respect?

Midshipman TURNER. No, sir.

The CHAIRMAN. On the contrary, would it not invite his contempt?

Midshipman TURNER. The younger officer could not show it in any way. That is what I mean by saying that it teaches them respect—respect for conduct. Perhaps I should have said that. That is what I meant all the time—that their conduct, their bearing and demeanor toward their superiors, must be respectful. You have to have that in a military organization.

Mr. GREGG. Do you suppose there is an inferior officer connected with this academy who, if the Admiral should so far forget himself as to go to a table here and try to make that officer get under the table and eat his dinner, would do it? Is there one here who would do it?

Midshipman TURNER. I can not conceive of such a circumstance, sir.

Mr. GREGG. Would he not be forever disgraced if he did do it?

Midshipman TURNER. I do not think I would be right in discussing my officers in that way.

Mr. GREGG. I am not discussing the officers; I am discussing a hypothetical case that will never happen. Would he not be disgraced if he submitted to that, in your opinion?

Midshipman TURNER. If the Admiral told him to do it, he would do it.

Mr. GREGG. Do you think he would do it?

Midshipman TURNER. He would have to.

The CHAIRMAN. I think if he did he would have to retire from the Navy.

Midshipman TURNER. Perhaps so.

The CHAIRMAN. I think both of them would be brought before a court-martial and summarily dismissed from the Navy, and they both ought to be. Hazing, wherever it has gained a foothold, either here or at West Point, has always ended in disaster to the school. The outbreak of hazing in the last few months in the school has been of great damage to this institution, which has stood here for sixty years turning out officers who have manned our ships and who have fought our battles on the sea. The country and Congress are impatient with the boys in this school for their persistence in violating the law of the country. It will be felt in decreased appropriations for this school. It will be felt in every way that it can be manifested. The young men who have been guilty of these practices here, as they pass along, can know that following the men who have become illustrious in American history in the Navy, their part in this school, during their years here, has been such as, in the opinion of the American people, to bring disgrace upon it, to bring it into disrepute, and to make Congress and the country care very little whether the school is kept up or not, if these practices continue. I think that is a fair statement of the feeling of the people of the country in relation to it. If the boys here, none of whom have yet reached their majority, whose experience in life and in the service has not been large, desire to continue to set up their opinions against the opinions of the whole country, practically, then they must do it; but they will understand that they do it at their peril, and that the country will be very glad at the first opportunity to replace them by those who are willing to learn here to obey the laws. I have nothing further to say.

STATEMENT OF MIDSHIPMAN KIRKWOOD HARRY DONAVIN.
U. S. NAVY.

Midshipman KIRKWOOD HARRY DONAVIN, U. S. Navy, having been first duly sworn, testified as follows:

The CHAIRMAN. What is your full name?

Midshipman DONAVIN. Kirkwood Harry Donavin.

The CHAIRMAN. What State are you from?

Midshipman DONAVIN. I am from Ohio, sir.

The CHAIRMAN. You are in the third class at present?

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. Soon to become the second class?

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. This committee is sent here from the House of Representatives to inquire into the discipline and management here, especially as it relates to the practices called hazing. You and your classmates know, do you, that the practices under hazing are contrary to the laws of the country?

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. Why is it that young men sent here to learn to enter the service of the United States, to enforce the laws and to obey the laws, to enter into a life where discipline is absolutely essential, persist in practices which are contrary to the regulations and laws of the country?

Midshipman DONAVIN. I think, sir, more than anything else, it is because of precedent, because they find conditions existing here when they enter the academy, and they follow the customs just as each class before them has followed the customs. It seems to my mind to be the natural thing for a man to follow the customs in any place he goes to, and with that end in view I took up the matter of hazing myself.

The CHAIRMAN. The class you belong to now received physical hazing, did it?

Midshipman DONAVIN. No, sir; except in one instance.

The CHAIRMAN. So that excuse can not be given for the return by your class to the practices of physical hazing?

Midshipman DONAVIN. No, sir.

The CHAIRMAN. Yet the class as a whole, I suppose, has indulged in all branches of hazing that prevail?

Midshipman DONAVIN. Yes, sir; I think, if you say the class as a whole——

The CHAIRMAN. I do not mean that every man in the class has done it, but I mean the class has not been distinguished from other classes by abstaining from hazing?

Midshipman DONAVIN. No, sir.

The CHAIRMAN. Do the young men know what we think to be the very great injury that has been done to this institution which is maintained by the people of the United States and supported by them, by keeping up hazing practices?

Midshipman DONAVIN. I think they realize that now, sir. I do not believe they understood that part of it before.

The CHAIRMAN. Do you think the young men here have drifted into these practices rather thoughtlessly, rather than in a spirit of defiance to law?

Midshipman DONAVIN. No, sir; I think they entered into it with no defiance of law in view at all. It has been, as I say, a matter of precedent, and each class has taken it up successively.

The CHAIRMAN. When hazing commences, it is something like measles; it spreads very rapidly all through a school?

Midshipman DONAVIN. Yes, sir; I think that is the case.

The CHAIRMAN. And in the hands of young men who lack prudence, it is most always likely to result in serious injury to some of the students, before it is through?

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. That has always been the history of it, I believe?

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. At West Point, five years ago, hazing prevailed to a great extent, until it finally resulted in the death of several young men in that institution. The entire student body at West Point at that time, having seen the bad results which had grown out of the system, and notwithstanding they thought that in moderation some phases of it would be beneficial, yet as a system, after seeing its result, they met and formally declared to the country that they would oppose it, that they would discourage it in their classes, and endeavor to create an opinion against it among their classmates.

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. Did you happen to know of that action?

Midshipman DONAVIN. Yes, sir; my brother testified before the committee.

The CHAIRMAN. It is understood that hazing as a system in West Point has been discontinued?

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. That there may be and undoubtedly is some rating, but that hazing proper has been discontinued since that time. The system of hazing, as I have said, has brought great injury to this institution which has stood here for a great many years, and which the people have built up at the expense of a great many millions of dollars, and maintained annually at a large expense. The people of the United States, so far as we can judge, and the Congress of the United States, as we know, are thoroughly impatient with the young men who are midshipmen in this school for their apparent disregard of the wishes of the people of this country and of the laws of the land. This displeasure will be felt in decreased appropriations for this school, and in the refusal to grant other things which Congress undoubtedly would otherwise grant. So that the young men who have taken part in it, doubtless thoughtlessly on the part of a great many of them, have brought injury on this institution where they are being educated, and whose good name and repute ought to be very dear to every boy who goes through it. Do you think, Mr. Donavin, that with the knowledge that has come to them in the last few weeks of the opinion of the people of this country upon this subject, and the opinion of Congress upon it; the knowledge that has been brought home to them that it is unlawful; that they are violating the laws of their country whenever they permit it—do you think that they would now be willing to remain in an attitude of defiance, and that they will only abstain from hazing as they are compelled to do it, or do you think that the opinion is such that they would willingly meet the wishes of Congress and of the country?

Midshipman DONAVIN. I believe the general attitude, as I understand it, is that they will meet the wishes of Congress and of the country, as the second class have already done.

The CHAIRMAN. In this country, you know, all of us who expect to serve the United States in any capacity must do it by regarding the wishes of the people, especially as expressed in the law of the land.

Mr. DAWSON. How long have you been in the academy?

Midshipman DONAVIN. About eighteen months, now—nineteen.

Mr. DAWSON. Have you seen anything during the present academic year which would lead you to think that any of the naval officers connected with the academy countenance the practice of hazing?

Midshipman DONAVIN. No, sir; nothing has come under my personal observation.

Mr. DAWSON. During the last academic year?

Midshipman DONAVIN. No, sir; none during that time, with possibly one exception, which, of course, I can not vouch for entirely. That was the case of our class, last year, in the dancing hall. You have heard of that?

Mr. DAWSON. They put you through the setting-up exercises?

Midshipman DONAVIN. Yes, sir.

Mr. LOUD. You called it official hazing?

Midshipman DONAVIN. I think we called it official hazing; yes, sir. I think during that official hazing our class was probably subjected to more hazing than any man in the fourth class now, in one stretch of a week.

Mr. LOUD. I would like you to develop that.

The CHAIRMAN. It is all in the testimony, Mr. Loud.

Mr. DAWSON. During the last academic year did the midshipmen think it prudent to exhibit the practices of running within the knowledge of officers?

Midshipman DONAVIN. Yes, sir.

Mr. DAWSON. They did?

Midshipman DONAVIN. Yes, sir. I myself was observing a fourth class rate one day returning from drill. I went along devious ways back to the quarters, and one of the officers of the institution stopped me and asked me why I went around the long way. I told him because I believed in preserving the traditions of the place. That is the only instance I know of.

Mr. PADGETT. That was a rate, and not running.

Mr. DAWSON. He did not direct you to do otherwise?

Midshipman DONAVIN. No, sir; he simply told me he thought we were foolish to observe such rates.

Mr. DAWSON. Have you noticed any difference in the disposition of the officers in that respect during the present school year?

Midshipman DONAVIN. I have not observed anything in that line this year at all. I have come very little in contact with the officers, and I know of nothing in that line.

Mr. DAWSON. Have any of the boys thought it prudent to indulge in any of the practices of running within the sight or knowledge of officers during the present academic year?

Midshipman DONAVIN. I do not think any particular pains were taken to conceal the practice of running. I do not think they would willfully haze a man in the presence of an officer, but I think as far as running goes, and the matter of sitting up straight in the chairs, I

have seen that from one end of the mess hall to the other in the presence of the officer in charge. Of course, all these practices occurred last year.

Mr. DAWSON. During the last academic year?

Midshipman DONAVIN. Yes, sir; during my plebe year.

Mr. DAWSON. Have you noticed anything of that kind during the present academic year?

Midshipman DONAVIN. Yes, sir; up until the last four weeks it has been carried out. In the last four weeks the fourth class men have not been molested one way or the other, and I may say that longer than four weeks ago they could do as they pleased, if they so desired.

The CHAIRMAN. The fourth class is now voluntarily maintaining some of the rates, is it not?

Midshipman DONAVIN. Yes, sir; I think they are holding on to the rates in general. I have come across several instances.

The CHAIRMAN. If they choose to take the long way around, in walking, nobody objects to it?

Midshipman DONAVIN. Nobody objects, although there are no long walks for fourth class men this year at all.

Mr. DAWSON. Is it your opinion that the fourth class men would observe these rates without coercion, as of their own volition?

Midshipman DONAVIN. As a class; yes. I do not mean the rate of sitting up in the chairs, because that has been entirely tabooed by the second class. They are not required to do that. They carry on very little conversation at the table, and the plebes, as a rule—I beg your pardon, the fourth class men—observe all their rates.

Mr. DAWSON. That is what I had reference to. Proper rates, I will say.

Midshipman DONAVIN. Yes, sir.

Mr. DAWSON. In the direction of increased privileges as the men go up in the school?

Midshipman DONAVIN. Yes, sir. We observe our own rates ourselves. We have some very severe rates in the third class to maintain, and with the exception of one man we observe those rates. That one man let a rate slip by, because he knew he was going to bilge, or be dropped—he requested to resign.

Mr. DAWSON. You observe them voluntarily?

Midshipman DONAVIN. Yes, sir.

Mr. DAWSON. It is not necessary for the upper class men to haze you to induce you to maintain those rates?

Midshipman DONAVIN. No, sir; they maintain those rates to preserve the traditions of the place.

Mr. LOUD. Is it possible to maintain those rates without the penalties of hazing and class fighting?

Midshipman DONAVIN. Yes, sir; I think it is possible.

Mr. LOUD. Without those things that you call hazing and class fighting?

Midshipman DONAVIN. Yes, sir; I think it is possible. Of course, you have to deal with the man himself. If a man chooses to break the rates and defy not the upper classes but the traditions, he stands alone. He will be——

Mr. LOUD. Discountenanced by his fellows?

Midshipman DONAVIN. Yes, sir.

Mr. LOUD. The people of this country abhor not only hazing, but

they have as great abhorrence or more for some phases of class fighting, or for the custom.

Midshipman DONAVIN. Yes, sir.

Mr. LOUD. While they have no objection to rates, as I understand, still they have the greatest abhorrence for those other practices. So I ask the question, Is it not possible to maintain rates by some other method?

Midshipman DONAVIN. Yes, sir. I believe if a fourth class man makes himself obnoxious, or a second or third class man makes himself obnoxious, another man in his class can warn him. I do not mean that they would have to beat him up, to use our expression, but I think they are justified in warning him.

Mr. LOUD. In Yale, and Harvard, Cornell, and Michigan University we hear nothing of personal fights.

Midshipman DONAVIN. No, sir.

Mr. LOUD. Why is it that in this academy, where they are known to be the most gentlemanly of men in other ways, it must continue?

Midshipman DONAVIN. You mean fighting in general, or——

Mr. LOUD. Class fighting.

Midshipman DONAVIN. I do not think class fighting will continue from now on. I think, in fact, there have been no class fights this year, to my knowledge.

Mr. LOUD. But it would be ended by the voluntary action of the members of the classes themselves?

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. Do you know of the action of the first class with regard to fighting?

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. Do you know whether your class intends to indicate in any way whether it will meet the desires of Congress and of the country in endeavoring to do away with hazing?

Midshipman DONAVIN. I do not know how the class will act in the matter. At present the second class has tabooed hazing, and that is sufficient, I think, at least for the present. Our time has not come yet for a decision, because the second class has said that they will not allow hazing, and if any hazing is going on it will be reported.

The CHAIRMAN. But your time, referring to your class, has come, so far as its opportunity to inform Congress and the country of your views as a class upon the subject are concerned?

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. Whether you voluntarily wish to meet the sentiment of the people, or whether you are in a sullen mood in which you are willing to abstain from hazing only as long as you are compelled to. That opportunity, I suppose, will not be open to you at all times.

Mr. GREGG. Since the second class has acted as it has, will not the silence of your class be construed to be a determination to continue the practice of hazing?

Midshipman DONAVIN. Perhaps it will to people outside, but to ourselves I do not believe it will be so construed.

Mr. GREGG. If you are all of that opinion—that it ought to be stopped—as a matter of justice in putting yourselves right before the people, what do you think your duty is?

Midshipman DONAVIN. I think, unquestionably, to take action in regard to the matter, but there are some things which will cause more

or less of a factional fight in the class when such action takes place. For instance, the second class have not only tabooed hazing, but they have taken up the matter of defending the fourth class men—I do not mean defending, but rather——

The CHAIRMAN. Protecting them?

Midshipman DONAVIN. Treating them a good deal better than our class. I know of an instance last evening, where a second class man on duty showed some discrimination in favor of a fourth class man.

Mr. LOUD. That is an individual matter, a lack of judgment, perhaps.

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. You mean that it is not the class action, but the action of that one individual?

Mr. LOUD. Yes.

Mr. GREGG. Is the failure of your class to act due in any respect to the fact that the second class has taken its action?

Midshipman DONAVIN. No, sir; I do not think so. We have not had time to consider the matter. The second class took its action without any of our class knowing anything about it. We knew absolutely nothing about what their action was to be.

Mr. GREGG. Has there not been a little feeling of jealousy which has grown up out of that fact?

Midshipman DONAVIN. There is some jealousy between our classes, I confess.

Mr. GREGG. Has it not grown out of the fact that the second class took its action?

Midshipman DONAVIN. No, sir; I think it grew out of the fact that the second class, from the time they became first class men here, have not treated our class as well as they might have and as well as they were treated themselves.

Mr. GREGG. Is not your failure to act due somewhat to that rebellion between the two classes?

Midshipman DONAVIN. Yes, sir; more or less.

Mr. GREGG. To that jealousy between the two classes?

Midshipman DONAVIN. Yes, sir.

Mr. GREGG. You do not want to be considered as following their lead?

Midshipman DONAVIN. No, sir. I think in time, I may say within a week, our class may take the same action. I have expected it for some time, but as I say, there will be a factional fight for the reason that some people have taken it into their minds that the second class have not treated us well, and several instances have come to my own observation.

Mr. GREGG. Can you afford, because of that feeling against the second class, to permit yourselves to remain in a false light before the people?

Midshipman DONAVIN. No, sir; I do not think we can. I say inside of a week I think our action will be taken.

The CHAIRMAN. This school belongs to the people of the United States. It does not belong to the second class.

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. You are going to serve the people of the United States, and you are not going to serve the second class. That is true, of course.

Midshipman DONAVIN. Yes, sir.

The CHAIRMAN. Then you should not permit the first class, or what is now the senior class—the second class—to put themselves in a position where they can secure credit at your expense.

Midshipman DONAVIN. I see; yes, sir.

The CHAIRMAN. Your action is regardless of the action of the second class. Your action, if you take any, and if it is the opinion of your class that you should, is because you believe such action to be right, and because you wish the people of the country and Congress to understand how you feel about it. That is, that you voluntarily, of your own free will, desire to place yourselves in accord with the feelings of your country and of Congress. That is all I have to ask, Mr. Donavin.

Mr. LOUD. I was going to suggest the fact, and to ask if he realizes that he is a picked man from 200,000 people in the district from which he came, and that every student here is a picked man, and that the academy is made up of the pick of the young men of the country. You realize that?

Midshipman DONAVIN. Yes, sir.

Mr. LOUD. And that the whole country has the greatest pride in you, because you are the picked young men of the country. You realize that?

Midshipman DONAVIN. Yes, sir.

Mr. LOUD. So you can realize, then, the interest with which we look to you now?

Midshipman DONAVIN. Yes, sir.

Mr. LOUD. Having by a mistake, which I think you all acknowledge——

Midshipman DONAVIN. Yes, sir; I think so.

Mr. LOUD. Brought some discredit upon this great national academy, you must realize that the opportunity has come to you to express your feelings in this matter.

The CHAIRMAN. Did you wish him to understand that the people of the country are feeling especial pride in the school at the present time?

Mr. LOUD. No; in them, as young men.

STATEMENT OF MIDSHIPMAN HENRY THOMAS MARKLAND. U. S. NAVY.

Midshipman HENRY THOMAS MARKLAND, U. S. Navy, having been duly sworn, testified as follows:

The CHAIRMAN. You belong to the present third class, soon to be the second class—at the end of this year?

Midshipman MARKLAND. Yes, sir.

The CHAIRMAN. What is your rank in your class?

Midshipman MARKLAND. I was third, last year, sir.

The CHAIRMAN. Third. You are pretty well up toward the top. What was your purpose in coming to the Naval Academy, Mr. Markland? Why did you seek the opportunity to come here?

Midshipman MARKLAND. Well, to enter the naval service, sir; something that I had always desired to do.

The CHAIRMAN. So that you could be a naval officer?

Midshipman MARKLAND. Yes, sir.

The CHAIRMAN. As a naval officer advances in the service, he commands the vessels of the United States, does he not?

Midshipman MARKLAND. Yes, sir.

The CHAIRMAN. And has great responsibilities?

Midshipman MARKLAND. Yes, sir.

The CHAIRMAN. He has under his charge the lives of a great many men and property of great value. What would you consider to be the most necessary thing on the part of a crew on a battle ship under your command?

Midshipman MARKLAND. Obedience to orders, sir.

The CHAIRMAN. Unless you had absolute, unquestioned obedience to the orders you gave you could not expect successfully to navigate your ship or to fight an enemy?

Midshipman MARKLAND. No, sir.

The CHAIRMAN. The learning of obedience to orders, then, must be a very necessary part of the education in this academy, I take it?

Midshipman MARKLAND. Yes, sir.

The CHAIRMAN. The young men who come here are educated at the expense of the country for the purpose of entering the service of the country, where, as you say, obedience to orders is the foundation of all naval or military organization. It is the one indispensable thing. How do you account for the fact that a body of young men being educated in the Government school for such purposes should in such large numbers disobey the laws of the United States and the regulations of their superior officers?

Midshipman MARKLAND. Well, sir, that is a pretty hard thing to say, and I can not pretend to give an opinion on that, sir. I can give my own opinion of the reason.

The CHAIRMAN. How do you account for it?

Midshipman MARKLAND. I think it is merely the effervescence of animal spirits and thoughtlessness. I do not think there is any serious desire to disobey regulations. I am sure it is nothing of that kind, sir.

The CHAIRMAN. Do the young men here understand that their persistence in the practice of hazing, contrary to the law of the country and contrary to the wishes of the people of the United States, is hurting the academy very seriously? Do they appreciate that or do you think they do not know much about it?

Midshipman MARKLAND. I do not think they know much about it. I do not think they appreciate it.

The CHAIRMAN. Has this fact been impressed on their attention during the last few months?

Midshipman MARKLAND. Yes, sir.

The CHAIRMAN. Do you think they have a different view of it now from what they had before it was called to their attention so sharply?

Midshipman MARKLAND. Yes, sir; I think they have.

The CHAIRMAN. Do you think the young men here ought to do those things, and abstain from doing those things which the people of the United States and the laws of the land require or forbid?

Midshipman MARKLAND. No, sir; I do not think they should, but I think it depends somewhat on the way in which you look at it. An outsider—I mean one who has never been through the academy—does not understand exactly the conditions in the academy. As soon as a man gets in here he becomes strongly in favor of that practice. I

do not know what there is about it, but that has been true. It is something that I can not explain, sir. But I do not think they should, in a cold-blooded way, or in any way at all, disobey any of the laws of the country.

The CHAIRMAN. Do you know whether your classmates, in view of all that has taken place, knowing, as they do now, the feeling of the country about it, desire to persist in these practices?

Midshipman MARKLAND. No, sir; it has been stopped now, sir.

The CHAIRMAN. That is all I desire to ask.

Mr. DAWSON. Why do you think it has been stopped?

Midshipman MARKLAND. Because I have seen none of it, sir.

Mr. DAWSON. But for what reason? Is it stopped for fear of punishment or because the boys have had a change of heart on the subject?

Midshipman MARKLAND. I think it has been stopped because the whole sentiment has turned against it, sir, since the trouble that has been had down here.

Mr. DAWSON. Do the boys realize now that it is a violation of the law of their country?

Midshipman MARKLAND. Yes, sir; and they want to give the academy a better name.

Mr. GREGG. Do they realize that the people have regarded them as a kind of a lawless set here?

Midshipman MARKLAND. Yes, sir; very strongly.

The CHAIRMAN. Perhaps it will not be necessary to try to go over with Mr. Markland fully the ground that we have gone over heretofore. It is getting along toward supper time, and I think there are two or three more to be heard yet.

Mr. GREGG. I think we have covered the ground.

Mr. DAWSON. May I ask if you have seen, during your eighteen months here, any evidence to lead you to believe that the naval officers of this academy countenance the practice of hazing?

Midshipman MARKLAND. No, sir; I have seen nothing of it.

Mr. LOUD. Has it been your belief that they did?

Midshipman MARKLAND. Yes, sir.

Mr. LOUD. That they were in sympathy with it?

Midshipman MARKLAND. I think so; I know so, sir, because—well, I have gotten that idea in some way.

Mr. LOUD. You have an impression that that is the case?

Midshipman MARKLAND. Yes, sir. I have nothing definite to offer as evidence of such a thing, sir.

Mr. GREGG. Does that impression prevail generally, do you think, among the midshipmen?

Midshipman MARKLAND. Yes, sir; I think it has.

Mr. DAWSON. When did that impression change? The present impression is not so?

Midshipman MARKLAND. No, sir.

Mr. DAWSON. When did this change take place?

Midshipman MARKLAND. I do not know, sir. That would be pretty hard to answer. I can not say.

Mr. GREGG. Was it before or after that investigation started here—that board of inquiry—or was it about that time?

Midshipman MARKLAND. I think probably it was about that time, sir, or shortly afterwards.

STATEMENT OF MIDSHIPMAN LUTHER WELSH, U. S. NAVY.

Midshipman LUTHER WELSH, U. S. Navy, having been first duly sworn, testified as follows:

The CHAIRMAN. What is your full name?

Midshipman WELSH. Luther Welsh.

The CHAIRMAN. You are from the State of Missouri?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. In the fourth class?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. What is your standing in your class?

Midshipman WELSH. Second, sir.

Mr. PADGETT. What is your age?

Midshipman WELSH. Sixteen years and about eight months, sir.

The CHAIRMAN. You must have to study pretty hard to keep second in a class of 240 boys, do you not, Mr. Welsh?

Midshipman WELSH. Sometimes I do.

The CHAIRMAN. Do you not have to study every day pretty hard?

Midshipman WELSH. Yes, sir; pretty hard.

The CHAIRMAN. You will become a member of the third class when?

Midshipman WELSH. In just about four months, now, sir.

The CHAIRMAN. Have you been made to do these practices that they call hazing, some?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. What feats have you performed?

Midshipman WELSH. I have been on my head and done the sixteenth and the rabbit dance, sir.

The CHAIRMAN. You are pretty expert in the rabbit dance?

Midshipman WELSH. No, sir; I just did that a couple of times.

The CHAIRMAN. You are just learning it?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. How many times have you ever been on your head?

Midshipman WELSH. I have not been on my head more than 20 at one time, sir.

The CHAIRMAN. Some of the boys can go on their heads as many as 100 or 200 times, can they not?

Midshipman WELSH. Yes, sir; most of them could, I guess, if they had to. But we are not usually asked to do very much.

The CHAIRMAN. Would 100 be a good many times?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. It would tire you out a good deal?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. Did you ever have to do the leaning rest?

Midshipman WELSH. No, sir.

The CHAIRMAN. Do you know what it is?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. How many times can a boy do that without tiring him very much.

Midshipman WELSH. Fifteen would make him pretty tired.

The CHAIRMAN. Have you been made to wait on the upper class men, some, and take care of their rooms, wind their clocks, call them in the morning, or perform services for them?

Midshipman WELSH. I have had to wind clocks, and wake them in the morning.

The CHAIRMAN. What time do you have to get up in order to do that?

Midshipman WELSH. I did not have to wake them until about twenty minutes after reveille.

The CHAIRMAN. You did not have to get up any earlier than you were obliged to by the regulations?

Midshipman WELSH. No, sir.

The CHAIRMAN. Have you ever been sent under the table?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. Did you like to do that?

Midshipman WELSH. Well, sir, I did not mind it at all, because when I was under there the upper class men were not watching, and you could laugh if you pleased, or anything like that. I was never asked to eat anything under the table, and it was always for a very short time.

The CHAIRMAN. Were some of the boys required to eat under the table?

Midshipman WELSH. Some were, I believe.

The CHAIRMAN. The food was passed under, and they would eat it?

Midshipman WELSH. I have never seen any of it, but I have heard they did.

The CHAIRMAN. Do you not think that is a pretty humiliating practice to put upon an American boy?

Midshipman WELSH. It struck me that it might be, to have him eat there, but it never struck me so to just go under.

The CHAIRMAN. Just to stay under the table. You never did that much at home, did you?

Midshipman WELSH. No, sir.

The CHAIRMAN. Would you not feel rather humiliated if your father should make you stay under the table while they were eating dinner?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. Why is it less humiliating to be sent under the table here than it is at home?

Midshipman WELSH. I have never been under when they were eating. It was always after we were all through. It just never struck me that way.

The CHAIRMAN. Do you think you have been benefited any by these practices of being sent under the table and made to stand on your head, and all those things?

Midshipman WELSH. No, sir.

The CHAIRMAN. Do you think people ought to have authority over you to order you to do whatever they please, unless they have some official position?

Midshipman WELSH. No, sir.

The CHAIRMAN. The class ahead of you was not hazed, was it?

Midshipman WELSH. Not physically, sir.

The CHAIRMAN. Did your class think it right that those boys who were not hazed themselves should haze you boys who were coming in?

Midshipman WELSH. We did not think it was exactly just, but still they did not get physical hazing. Still, they were not treated as upper class men would be. They got what was practically the same.

The CHAIRMAN. Do the boys in your class approve of these practices of being ordered about by the third class men, or the class above them?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. They do approve of it?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. They like to go under the table and stand on their heads until they are unconscious sometimes?

Midshipman WELSH. It is not especially that, sir, but—well, we, most of us believed in the system. We thought it was a good thing. We thought those parts of it would be good in their places, and we believed in hazing as a system.

The CHAIRMAN. Standing on your head and all those exercises are parts of the system, are they not?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. Sending a man under the table is part of the system, isn't it?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. You say you do not like to do those things, and yet you believe in the system?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. How do you explain your being in favor of the system and yet being against these practices under the system?

Midshipman WELSH. Well, we have been in here about six months, most of us, and we have gotten to believe that fourth class men ought to be taught those things, ought to be put through this system of hazing or running—that it is good for them in the end.

The CHAIRMAN. They have impressed that belief on you, have they?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. I suppose some of the boys had to have that belief impressed on them by fighting an upper class man and getting licked. Where they do not believe those things an upper class man licks them, and that helps them to believe, does it not?

Midshipman WELSH. They do not have to fight unless they want to. If a person says he does not want to be hazed, he can go through without being hazed, but he can not haze any one afterwards.

The CHAIRMAN. If they refuse to be hazed and then refuse to fight, they are sent to Coventry, are they not? They have nobody to speak to them; their own class men would have no respect for them? Is not that the system?

Midshipman WELSH. It would probably end in that; yes, sir.

The CHAIRMAN. So that they really are compelled to submit to these practices, or else they have got to fight the upper class men, and if they win they have got to fight another upper class man. If they refuse to fight they might as well be off alone in the woods, because no one will pay any attention to them or speak to them. So that these opinions which are held in the fourth class after they are here awhile are forced on them, are they not?

Midshipman WELSH. No, sir; I do not think the opinions are forced on them, because if a person would have to submit to this he would not necessarily believe in it, just because he had been through it.

The CHAIRMAN. Do the boys in your class know that it is against the law of the United States; that these practices are against the law of the United States?

Midshipman WELSH. Yes, sir; they would know it if they thought about it.

The CHAIRMAN. Do the boys of your class want to violate the laws of the country?

Midshipman WELSH. No, sir.

The CHAIRMAN. Do they think a good naval officer can be made out of a boy who, while he is being trained for it, violates the law and the regulations of the school?

Midshipman WELSH. No, sir.

The CHAIRMAN. Do the boys in your class, knowing that it is against the law, want to continue these practices when they become third class men?

Midshipman WELSH. Well, I suppose they did. They do not now.

The CHAIRMAN. Have you talked with some of them about it?

Midshipman WELSH. Yes, sir; we have all discussed it more or less.

The CHAIRMAN. You think they are now opposed to the system?

Midshipman WELSH. Well, I do not know that they are opposed to the system itself, but they are opposed to continuing it, because, I suppose, of these laws.

The CHAIRMAN. Your class has taken no action as a class, has it, to indicate that they are willing to obey the laws?

Midshipman WELSH. No, sir; we do not really have much to do about that. It is the senior class over there that decides almost everything of that kind.

The CHAIRMAN. Yes. Well, if the other classes decide against hazing, so that your class is not hazed during the year, would your class feel that they should start up the practice again when they became third class men?

Midshipman WELSH. The consideration that hazing is stopped now would not make much difference, sir, because we have had enough already to entitle us to do it.

The CHAIRMAN. You think that because you have been hazed that you ought to haze the next lot of boys that come in?

Midshipman WELSH. Well, no, sir. We will not haze, but if hazing were started again we would be entitled to it. That is what I mean.

The CHAIRMAN. But if the system is done away with, then you are willing to fall in, and not haze the next class?

Midshipman WELSH. Yes, sir. We really have not any choice in the matter until we are the senior class.

The CHAIRMAN. If the senior class is against it, then the other classes can not haze?

Midshipman WELSH. No, sir.

The CHAIRMAN. You would not think, at home, would you, of permitting some other boy even if he was larger to make you stand on your head and wait on him and go under the table if he told you to?

Midshipman WELSH. No, sir.

The CHAIRMAN. You would fight first, would you not?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. And hit him with a club if he tried to make you do it?

Midshipman WELSH. Yes, sir.

The CHAIRMAN. That is what the boys up my way would do, and I think they ought to do it. I have nothing further to ask.

Mr. GREGG. I have no questions to ask.

Mr. PADGETT. I think I will ask one or two questions, Mr. Chairman.

The CHAIRMAN. Go ahead.

Mr. PADGETT. Whilst there has been a good deal of hazing going on, do you know of any cases where the naval officers knew of it and did not say or did not do anything about it?

Midshipman WELSH. No, sir.

Mr. PADGETT. Have you any reason to believe that they did know of it and did not do anything to stop it?

Midshipman WELSH. No, sir.

Mr. PADGETT. These things were all kept from the naval officers?

Midshipman WELSH. Yes, sir.

Mr. PADGETT. You have nothing to make you think that the officers here had found it out and had not tried to stop it? You do not know of anything that makes you think they knew it and did not do anything to stop it?

Midshipman WELSH. No, sir.

Mr. DAWSON. Mr. Welsh, do you know of any instance during this year where any member of your class has had to fight an upper class man?

Midshipman WELSH. The only fight I know of between a member of the fourth class and an upper class man was purely a personal matter. The man had been a member of the present third class, so he did not have to take any hazing.

Mr. DAWSON. Did he fight with a man that he had a personal difference with?

Midshipman WELSH. Yes, sir.

Mr. DAWSON. When did that occur, do you remember?

Midshipman HAYES. I think it was in the last weeks of October, almost as soon as the academic year began.

Mr. DAWSON. It was before the Branch-Meriwether fight?

Midshipman WELSH. Yes, sir.

Mr. DAWSON. This was a member of the fourth class and a member of the third class?

Midshipman WELSH. No, sir; a member of the first class.

Mr. DAWSON. A member of the fourth class and a member of the first class engaged in a personal encounter?

Midshipman WELSH. Yes, sir.

Mr. DAWSON. It is not what you understand as a class fight?

Midshipman WELSH. No, sir.

Mr. DAWSON. Do you know whether either one was seriously injured, and if they had to go to the hospital?

Midshipman WELSH. No, sir; they did not fight long; and the member of the fourth class apologized.

Mr. DAWSON. It was not a very serious fight, then?

Midshipman WELSH. No, sir.

Mr. DAWSON. Neither one was injured very badly?

Midshipman WELSH. No, sir.

Mr. GREGG. Was that just a fight on the spur of the moment, or was it arranged with seconds and referees and timekeepers?

Midshipman WELSH. They did not just get angry and start in to fight. I suppose they had seconds. Still, it was not a class fight.

Mr. PADGETT. In what sense was it personal? Do you know what it was about?

Midshipman WELSH. This first class man did not know that this man was a bilger, as we call them, and he did not have to keep the rates as a plebe does. He called him down for something, and the fourth class man got angry about it and said something he should not have said, and they had a fight. But the fourth class man apologized for saying what he did.

Mr. DAWSON. This fourth class man was one who had been set back from the third class?

Midshipman WELSH. Yes, sir.

Mr. PADGETT. Was it a case of trying, by a fight, to enforce an observance of the rates?

Midshipman WELSH. No, sir; the rates just started it.

Mr. PADGETT. I say, the rates started it?

Midshipman WELSH. Yes, sir.

Mr. PADGETT. And because he did not observe the rates the first class man spoke to him about it?

Mr. LOUD. It was a misunderstanding between them in regard to the rates.

Mr. PADGETT. This bilger did not have to observe the rates, but the first class man thought he did have to observe them, and he got after him because he refused to observe them, did he not?

Midshipman WELSH. Well, I suppose he saw him doing something that a plebe should not do and just told him not to do it. The man answered back pretty sharply, and so the first class man got angry at that—not anything about the rate, but just because he answered him the way he did.

Mr. PADGETT. But the sharp answer arose out of his trying to make him observe a rate?

Midshipman WELSH. Yes, sir. But it would have happened if any third class man had done the same thing. They would have fought just the same.

Mr. PADGETT. Or a second class man or any other upper class man?

Midshipman WELSH. Yes, sir.

STATEMENT OF MIDSHIPMAN JOHN FINDLEY DONELSON, U. S. NAVY.

Midshipman JOHN FINDLEY DONELSON, U. S. Navy, having been first duly sworn, testified as follows:

Mr. LOUD. You are from Oklahoma?

Midshipman DONELSON. Yes, sir.

Mr. LOUD. Mr. McGuire appointed you, I guess?

Midshipman DONELSON. Yes, sir.

The CHAIRMAN. What is your full name?

Midshipman DONELSON. John Findley Donelson.

The CHAIRMAN. How old are you?

Midshipman DONELSON. Nineteen, sir.

The CHAIRMAN. You belong to the present fourth class?

Midshipman DONELSON. Yes, sir.

The CHAIRMAN. And in a few months you will be in the third class?

Midshipman DONELSON. Yes, sir.

The CHAIRMAN. Mr. Donelson, the academy and the cadets in the

academy, in the upper classes, to some extent have fallen into disrepute with the people of the country, and with Congress, owing to the outbreak of hazing which has occurred here in the past few months. Perhaps you know now that the sentiment of the country is strong against it, and that the sentiment of Congress is strong against it, that they regard it as a whole as a very unmanly, cowardly, and un-American system.

Midshipman DONELSON. Yes, sir.

The CHAIRMAN. You know also, do you, that it is against the laws of the country to haze in the military schools?

Midshipman DONELSON. Yes, sir.

The CHAIRMAN. Have you been hazed during your stay here, Mr. Donelson?

Midshipman DONELSON. To some extent; yes, sir.

The CHAIRMAN. Have you been hazed pretty freely, or have you been neglected some?

Midshipman DONELSON. No, sir; I have not been hazed enough to experience any——

The CHAIRMAN. Personal injury?

Midshipman DONELSON. Personal injury or anything like that; no, sir.

The CHAIRMAN. Have you been made to do practices which you regarded as humiliating?

Midshipman DONELSON. Yes, sir; to some extent.

The CHAIRMAN. Have you ever been sent under the table?

Midshipman DONELSON. No, indeed.

The CHAIRMAN. Would you go under the table if an upper class man should order you to?

Midshipman DONELSON. No, indeed, sir.

The CHAIRMAN. What would you do?

Midshipman DONELSON. Well, very likely if a person refused to do something like that he would have a fight on his hands.

The CHAIRMAN. You would rather fight than be compelled to humiliate yourself?

Midshipman DONELSON. To that extent; yes, sir.

The CHAIRMAN. You do not object to rates, I understand; that is, to the proper respect toward upper class men; and where there are not privileges enough to go around you are willing that the first class men should have the first chance at it?

Midshipman DONELSON. Certainly, sir.

The CHAIRMAN. You do not think, you say, that it is required of an American boy that he shall humiliate himself at the order of someone who has no authority?

Midshipman DONELSON. No, sir.

The CHAIRMAN. Have you ever been required or requested by upper class men to perform menial services for them, such as taking care of a room, or anything of that kind?

Midshipman DONELSON. Well, not exactly taking care of a room. I have had a few times to waken an upper class man up at a certain hour in the morning, and perhaps close his window or something of that sort at some time.

The CHAIRMAN. You did it voluntarily?

Midshipman DONELSON. Oh, yes, sir.

The CHAIRMAN. The third class never received physical hazing, did they?

Midshipman DONELSON. I understand not, sir.

The CHAIRMAN. Yet in the last few months they have practiced physical hazing toward the under class?

Midshipman DONELSON. Yes, sir.

The CHAIRMAN. That is hardly a fair deal, is it?

Midshipman DONELSON. Well, it hardly seems the right thing to do; no, sir. Still, I guess of the kind of hazing the third class got, they got a great deal of it.

The CHAIRMAN. That is, running?

Midshipman DONELSON. Yes, sir; it is commonly called running.

The CHAIRMAN. Do you not think that practices which tend to humiliate a man and to make him lose his self-respect if he performs them are as bad or worse than being required to do physical exercises?

Midshipman DONELSON. Yes, sir; I do.

The CHAIRMAN. Will the action of the first class in resolving to discountenance hazing, to discourage it, have the effect or will it assist in doing away with hazing after the balance of the year?

Midshipman DONELSON. Yes, sir; yes, sir.

The CHAIRMAN. I suppose your class has nothing to say as to whether hazing shall prevail at present or not?

Midshipman DONELSON. No, sir; nothing whatever.

The CHAIRMAN. You gentlemen may now ask any questions you wish.

Mr. PADGETT. Mr. Donelson, have you ever been put on your head?

Midshipman DONELSON. Yes, sir; I have been put on my head.

Mr. PADGETT. Did you ever do the sixteenth?

Midshipman DONELSON. Very little.

Mr. PADGETT. You have done some?

Midshipman DONELSON. Some; yes, sir.

Mr. PADGETT. Have you ever performed the crew?

Midshipman DONELSON. I never did.

Mr. PADGETT. Have you been required to sing?

Midshipman DONELSON. Oh, yes.

Mr. PADGETT. And to tell stories?

Midshipman DONELSON. Yes, sir.

Mr. PADGETT. Did you ever write a bazoo?

Midshipman DONELSON. No, sir.

Mr. PADGETT. Or do the leaning rest?

Midshipman DONELSON. No, sir.

Mr. PADGETT. Or the admiral's salute?

Midshipman DONELSON. No, sir.

Mr. PADGETT. Suppose a fourth class man should come here and observe all the rates without violating any of them, and should treat the upper class men with precise respect in all respects, would he be hazed?

Midshipman DONELSON. Yes, sir; he would be very apt to get some hazing before the year was over.

Mr. PADGETT. For what purpose would he be hazed?

Midshipman DONELSON. Well, for no particular purpose, I presume, but just because——

Mr. PADGETT. Just because he is a fourth class man?

Midshipman DONELSON. Just because he is a fourth class man.

Mr. PADGETT. Do I understand that every fourth class man is hazed, so that there are no exceptions?

Midshipman DONELSON. Yes, sir; I think I would be perfectly safe in saying that is the way it is; though, of course, a man who conducts himself in that way is not very likely to get much of it.

Mr. PADGETT. But he would be hazed?

Midshipman DONELSON. He would be hazed or run; yes, sir.

Mr. PADGETT. In answer to a question by the chairman you stated that the action of the first class, the present senior class, which we call the first class, in declining to countenance hazing, and in setting themselves against it, will stop hazing for the remainder of this academic year?

Midshipman DONELSON. Yes, sir.

Mr. PADGETT. If the second class, or the third class, as it now is, declines to take such action, will the custom of hazing revive next year?

Midshipman DONELSON. That is entirely in the hands of the third class men, sir. When the present second class graduates of course the third class will then have to take their action for or against hazing. It is up to them then, entirely.

Mr. PADGETT. Suppose they do not take action one way or the other, affirmatively. Will hazing then revive? Would the succeeding third class, which would then be the second class, take up hazing?

Midshipman DONELSON. I do not know about that. I guess if any of them chose to they would have a perfect right to, as far as any interference from their classmates were concerned.

Mr. PADGETT. They would feel at liberty to do it?

Midshipman DONELSON. They would feel at liberty to do it; I presume so.

Mr. PADGETT. You think they would feel that the custom and tradition of the school gave them authority to haze?

Midshipman DONELSON. Why, yes, sir; I think it would, until the class as a class decided to abolish the system.

Mr. PADGETT. And that class action applies only during its class existence?

Midshipman DONELSON. Yes, sir.

Mr. PADGETT. And at the termination of the class existence the tradition of the school then gives a license to the succeeding class to adopt such course as it chooses to pursue?

Midshipman DONELSON. That is the way I understand it; I, of course, do not know for certain about things of that sort.

Mr. PADGETT. In other words, you get your license to haze from the traditions of the school?

Midshipman DONELSON. I think so.

Mr. PADGETT. Now, then, do you regard that license as paramount to the regulations? Do you regard the customs and traditions of the school as superior to the regulations of the school?

Midshipman DONELSON. Personally, I do not; no, sir.

Mr. PADGETT. I am speaking of the classes here, as to how it is regarded in the school—the prevalent idea?

Midshipman DONELSON. It seems, by the past year, that it has been regarded so, sir.

Mr. PADGETT. How is it at present? What is the sentiment on that question now in the school, with the boys? How do they relate, the one to the other?

Midshipman DONELSON. I guess almost all of the upper class men are in favor of the system, and seem to think it is a good thing. I think, too, that some of the fourth class men would be very sorry to see it abolished. They would like to see the system stay in full force.

Mr. PADGETT. My idea is this: When this excitement blows over and things quiet down to their normal condition, will the boys in the school feel that they owe more obligation to the regulations of the school or to the traditions of the school?

Midshipman DONELSON. I expect, sir, they would feel rather under obligations to the traditions, if they were not promised, bound, or anything like that, to abstain.

Mr. DAWSON. Do you think the traditions of the school would outweigh in their minds the law of their country? If they realized that on one hand is the tradition of the school and on the other is the violation of an explicit statute passed by the Congress of the United States and signed by the President, which do you think would outweigh in their mind?

Midshipman DONELSON. Well, the law might outweigh, but I do not think this question has ever been brought up before them so fully as it has been now, and it is kind of hard to tell how they will feel after it has all blown over.

Mr. DAWSON. What would be the natural disposition of the class, as between any opinion of their own or any customs and the question of breaking a law, in your opinion?

Midshipman DONELSON. I will tell you. They are mightily in favor of this hazing, sir. They hate to see that abolished. I know that; although it is absolutely abolished now as long as this present senior class is in here.

Mr. GREGG. There is one question I would like to ask. Mr. Padgett confined his questions to the present academic year; but their action covers the next academic year as well as the remainder of this?

Midshipman DONELSON. As long as this senior class is in here.

Mr. PADGETT. They go out a year from now?

Midshipman DONELSON. A year and four months.

Mr. PADGETT. I think they go out in February, 1907?

The CHAIRMAN. Yes.

Mr. DAWSON. What is your personal view as to the maintenance of the system of hazing?

Midshipman DONELSON. You mean as to whether I think it would be continued or not?

Mr. DAWSON. I mean as to whether you think it ought to be continued or not?

Midshipman DONELSON. No, sir; I do not think it ought to be continued.

Mr. PADGETT. What do you think about whether it will be continued or not?

Midshipman DONELSON. I think it undoubtedly will be continued unless the next class that comes in power decides against it.

Mr. DAWSON. Do you think your opinion prevails among a majority of your classmates?

Midshipman DONELSON. Of course a majority of my classmates, I think, are against it now, as they have been receiving it right along, and they of course do not like it very much.

Mr. GREGG. But would a majority of them like to have it revived so that they could get even next year? How about that?

Midshipman DONELSON. I do not believe that is so.

Mr. GREGG. Well, I am glad to hear that.

Midshipman DONELSON. I have not heard very many say, but I have heard some.

Mr. GREGG. But you think a majority do not hold that view?

Midshipman DONELSON. I think a majority do not.

Mr. DAWSON. Have you known of any fights during the present academic year in which a member of your class was involved?

Midshipman DONELSON. No, sir; not with an upper class man.

Mr. DAWSON. Do you know of any class fights?

Midshipman DONELSON. No, sir.

Mr. DAWSON. In which a member of your class was involved with an upper class man?

Midshipman DONELSON. Not that I know of.

Mr. PADGETT. Do you know of any cases where hazing has been going on that the officers of the school knew of and failed to take notice of?

Midshipman DONELSON. No, sir; none whatever.

Mr. PADGETT. Do you know of any cases where you suspect that such is the case?

Midshipman DONELSON. No, sir; none whatever. I do not think, so far as I have been able to see, that the officers knew anything about it.

Mr. DAWSON. During what hours of the day did most of the hazing take place during the past year?

Midshipman DONELSON. Mostly from 9.30 to 10 p. m.; 9.30 was immediately after our study hour. We turned in at 10.

Mr. GREGG. Did you have taps at 10?

Midshipman DONELSON. Yes, sir; and that is when most of the hazing occurred.

The subcommittee (at 6.20 o'clock p. m.) adjourned until to-morrow, Saturday, February 24, 1906, at 10 o'clock a. m.

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., Saturday, February 24, 1906.

The subcommittee met at 10 o'clock a. m., Hon. E. B. Vreeland in the chair.

**ADDITIONAL STATEMENT OF REAR-ADMIRAL JAMES H. SANDS,
U. S. NAVY.**

Rear Admiral JAMES H. SANDS, U. S. Navy, appeared before the subcommittee.

The CHAIRMAN. Admiral, it seems to us that you have got the discipline of this place up to a point whereby violations by the cadets must be pretty well bottled up; but it occurs to us that the surgeons' department may possibly be made a little more useful by the issuance of some additional orders on your part. We find from the examination of the surgeon and the assistant surgeon that when they are transferred here from some other station, as they call it, or from on board

ship, they bring here precisely the views which they entertained of their duties when at another station or on board ship, where the element of discipline is entirely left out. I do not think it occurs to them, in coming here, that there is any change in their duties owing to this new element which exists at the Naval Academy, namely, the necessity for maintaining discipline among eight or nine hundred boys. Surgeon Stone appeared before the subcommittee, and in describing the proceedings which take place in case a boy comes into the hospital with an injury, he says:

The CHAIRMAN. What would your report to the commandant be?

Surgeon STONE. Simply his name and class.

The CHAIRMAN. Anything about the injury?

Surgeon STONE. No, sir.

The CHAIRMAN. Is any inquiry made by you as to how he received it?

Surgeon STONE. There would naturally be some inquiry if it was not self-evident.

It seems, then, that their view of it is that they shall make such inquiries as would be necessary for their information in treating the case, although I think it is fair to Doctor Byrnes to say that he seems to be making further inquiries where there is evidence of fighting.

Admiral SANDS. That is my own surgeon. I brought him with me. He was with me before, and he knows my views and he conducts his duty in accordance with my views, or always tries to—the views he has known I entertained during the two years he was with me.

The CHAIRMAN. He is evidently a very fine man. The committee was very much pleased with him as a witness; but his testimony corresponded with that of Surgeon Stone as to the reporting of the cases of injury, unless they were serious. A serious injury, like that resulting from the Branch-Meriwether affair would, of course, be reported. A broken jaw or a broken arm would be reported; but lesser injuries would not be reported.

Admiral SANDS. I think, Mr. Chairman, one reason for that may be explained. That is, in case there is anything suspicious in the reports that come to the superintendent, I have been accustomed to ask an explanation at once over the telephone. But it has not resulted in the discovery of any misdemeanor so far.

The CHAIRMAN. Suppose there should come up to the admiral's office from the surgeon a report as follows: "George Hayes Laird, contusio, occurred at sport." That is the mark that is entered against him. There would be nothing about that to attract attention?

Admiral SANDS. Nothing whatever. No there would be nothing inquired about that, because there is nothing suspicious in it.

The CHAIRMAN. In answer to questions before the whole committee, at Washington, you stated in answer to a question—I do not find the exact language—but that with the injuries which take place here on the football field, in the gymnasium, on the ball field, and all the other athletic sports, the chances that such an injury would be received in a fight, as against all the other chances would be small; which is undoubtedly true. But we find that a surgeon is in charge at the gymnasium all the while, and that he is with the football team and with the baseball team.

Admiral SANDS. That is, he is with those teams when they are in actual games, but he is not with them necessarily in practice.

The CHAIRMAN. Perhaps not, but he is at the gymnasium all the time?

Admiral SANDS. And he keeps run of them, because he is responsible for the individuals.

The CHAIRMAN. We merely called you in, Admiral, to call to your attention this evidence that has come out, which has indicated to our mind about the only place left where there might be a gap in which evidence, say, of a class fight, might escape. We assume that class fighting is a powerful weapon that is used to compel the hazing system.

Admiral SANDS. Was used.

The CHAIRMAN. Or was used.

Admiral SANDS. Yes, sir.

The CHAIRMAN. It is used where it prevails?

Admiral SANDS. Yes, sir.

The CHAIRMAN. Evidences of fighting, therefore, are something that should receive attention from the disciplinary officers. It may be that sometimes it does not require much attention; it may be that sometimes at least one of the parties should not be punished at all.

Admiral SANDS. But the fact, as you state, should be reported, and every means should be employed to get at those facts. Such things should be reported by the surgeons if the cases come before them. There is no question of their duty. Their duty is plainly laid down with that of all other officers attached to the institution, that all violations of regulations which come to their knowledge must be reported to the superintendent.

Mr. GREGG. Did not Surgeon Stone testify that he did not know of that regulation?

The CHAIRMAN. The only thing I found referring generally to them was rule 12 in the interior regulations, requiring every officer attached to the academy, civil and naval, to report any knowledge that may come to him of the violation of rules.

Mr. GREGG. He said that he did not know that.

Admiral SANDS. Yes, sir; every officer is supposed to know that, and there is no excuse for not knowing it.

Mr. GREGG. Did he not say he did not know that?

Admiral SANDS. Ignorance of the law is no excuse.

The CHAIRMAN. He followed the practice, he said, that was followed out at other stations.

Admiral SANDS. Yes, sir.

The CHAIRMAN. We thought it worth while to suggest that the medical officers bring to this institution the methods which they have followed at other stations, forgetting that here a new element comes in of the utmost importance, namely, evidences of violations of the regulations of the academy by the midshipmen.

Admiral SANDS. Yes; the regulations govern every officer and instructor attached to this institution, and they must know these regulations and they must carry them out. If they do not there is dereliction of duty on their part. There is no question of that.

The CHAIRMAN. I suppose, of course, that only an order is required to remedy it?

Admiral SANDS. That is already there, sir, in that section. That covers every officer attached to the institution, and he is required to follow the regulations.

The CHAIRMAN. Section 12?

Admiral SANDS. I do not recollect the number.

The CHAIRMAN. I believe you told me that you have adopted the language now used at West Point as a result of their experience over there, "any evidence tending to show that violations had been committed." They might distinguish between "knowledge"—

Admiral SANDS. They do.

The CHAIRMAN. And something to show that there may be a violation?

Admiral SANDS. Yes, sir. I readily see that. There are a good many things that I have learned since the Branch-Meriwether fight which have convinced me that there must be a specific instruction to everyone under my command, and that is the object of my revision of the regulations—the interior regulations.

The CHAIRMAN. Yes, sir.

Admiral SANDS. That is only waiting now for final revision, which can only be made after Congress has acted upon your report. I can not enter in that anything that is going to be upset by Congress, you know.

The CHAIRMAN. No.

Admiral SANDS. I want to get the regulations up to date. I suppose it will be a mere matter of thirty days before I can send them to the printer. Everything I hope will be finished by that time.

The CHAIRMAN. It occurred to me that possibly some of the officers construed that rule to mean that they were simply to report when they actually saw the breach of discipline. They very often see things which, if they were to report them, and they were traced down, would lead possibly to the discovery of a breach of discipline.

Admiral SANDS. Yes; but the trend of my regulations is that all officers shall do their duty to maintain the discipline. I have given a positive order for the cadet officers to forestall any breach of discipline, head it off, so that there will be no reports and there will be no offenses. Of course I would not expect those people to do a duty which I would not require of officers under my command, because they are being educated to be officers, and therefore they are being educated to the standards that officers should have. If the officers do not have that standard I do not see why midshipmen should be required to aim above it. The officers should do their duty as an example to the midshipmen and to these cadet officers. There have been customs which, of course, I have not been in sympathy with, and a number of these officers have grown up under those customs. They are gradually leaving, and I suppose before the beginning of a new academic year there will be an entirely new lot of officers here, and they ought to be, I think, in accord with my views, although some of them may have been here before and may be coming back for another term. Still I have hopes that all who report for duty after my arrival here will be of my mind in the matter. There are some whose detail I can not control. That is done outside of me. But all of the line officers—that is to say, those who come directly from the Bureau of Navigation—come with my permission. I am consulted first. The surgeons I have no control over. I brought Doctor Byrnes here; the surgeon who is in charge of the athletics I brought here, and the one who is coming as soon as I can get him, from the South, is also one of my men. The one who has just left I had nothing to do with, and two others who are here were detailed without regard to my wishes, so I can not depend upon their knowing my mind. The people who come

here from my former command know what I am going to do before I give any expression of my intention. They know my ways, and they, being loyal, fall into that and do not have to ask any questions. They do what they know I want them to do. Those are the people I expect to have coming here—either those who have been under my command or those who know what I want, from what has gone on before. They will not need any prompting in regard to their duty at all. The plain law will be sufficient for them, and my known wishes.

The CHAIRMAN. Admiral, we understand that what you are now relying upon to prevent further practices known as hazing are, first, your change in your disciplinary force so that each lieutenant-commander has charge of a portion of the whole brigade; that he has his office in Bancroft Hall, and his duty is to keep in close touch all the time with the midshipmen and to become as familiar as possible with the members in his division?

Admiral SANDS. Yes, sir.

The CHAIRMAN. And beyond that you consider the maintenance of the board of investigation as a permanent board, to be called together at will, as a further powerful weapon to find out infractions that have taken place?

Admiral SANDS. Yes.

The CHAIRMAN. I understand that is to be kept up?

Admiral SANDS. That is a very important thing; yes, sir.

The CHAIRMAN. Can you say to us whether you have anything else in your new regulations, aimed especially at hazing, or do you consider anything necessary beyond that—and whether you have included anything?

Admiral SANDS. I do not know what could be done beyond what has been ordered, that the officer in charge of divisions should be in constant touch with their men; that the cadet officers and petty officers should be held accountable for all disorders; and that the cadet officers are empowered to visit the rooms of those under their command at any time they may think it advisable for disciplinary purposes; and that they are on duty day and night as far as the maintenance of order in their commands is concerned. There are explicit definitions of hazing in the new regulations, but there is no punishment assigned, it being put under the head of special, to be decided by the superintendent. That is the only term that can be used for those punishments, which are ordinarily too severe to assign demerits to, or dismissal, but which should be graded in accordance with the malice or mischief involved.

The CHAIRMAN. Yes. Admiral, how long can you stay here, if you serve the full limit that is permitted?

Admiral SANDS. There is nothing to prevent the Secretary of the Navy keeping me here as long as he desires, or a short time. I go on the retired list a year from July next. I have one year from the middle of July.

The CHAIRMAN. The law is obligatory about going on the retired list?

Admiral SANDS. About going on the retired list, but not going off duty.

The CHAIRMAN. Admiral, our examination of these boys, in their first year here, the fourth class, impresses us with the notion that when they first arrive at the academy they bring with them the opin-

ions which prevail throughout the country, namely, that being stood on the head, sent under the table, and performing menial services are not much of a thing for an American boy to do. After being here for a few months it seems that a large proportion of them adopt the theories—what they call the traditions—and it is no longer repugnant to them to be sent under the table. They do not consider it humiliating; others have done it before; it is the practice. We had in mind the value of placing before these boys when they first arrived, through your disciplinary officers, the facts bearing upon this matter, namely, their rights here; placing before them the fact that they are not obliged to submit; that it is contrary to the rules and regulations, as well as the law of the country. In brief, that the disciplinary officers might by commencing upon that subject early with the class, when it arrives, increase in their minds the amount of combativeness and repugnance to these practices. We understand the disciplinary officers have now taken up the plan of talking with the various classes as their needs seem to develop?

Admiral SANDS. Yes, sir.

The CHAIRMAN. It occurred to us, and doubtless they already have it in mind, that there would be an excellent place for the disciplinary officers to sow some good seed.

Admiral SANDS. In the proceedings before the board of investigation you doubtless have seen that these young men were ordered positively not to submit to hazing or running of any kind. They received a positive order. So that they had the injunction of the upper classes on one side and the positive order from the disciplinary officers, as a board of investigation, to choose from—whether they would obey one or obey the other. If they obeyed the senior class men they were liable to be punished very severely for disobeying the officers who were authorized to give them orders in that respect. So that they took the means at their disposal of placing the men in the position of positive disobedience of orders if they submitted any longer to hazing or running. It seems to me that that is the strongest means that can be employed to impress upon a young man that he is violating the law and regulations if he submits.

The CHAIRMAN. That is done when they first come?

Admiral SANDS. They come in batches of from one to five or six at a time, and it takes some time before the class is formed. They come in as we are ready to have them examined physically, and they take so many a day. They are notified to appear at a certain time, and when they have passed that examination they come before the superintendent to be sworn in. The superintendent administers the oath to them, and it has been my custom to speak to them for ten or fifteen minutes, calling their attention to the oath they are taking.

The CHAIRMAN. In making the new regulations, Admiral, did you keep in mind particularly the act of 1903 as to rules aimed especially at hazing, which I assume should be brought closely to the attention of the students in some manner, either by putting them in the room, or in some other way that you could devise?

Admiral SANDS. Both the laws were quoted, but I held them up because they may no longer exist; and attention was particularly drawn in a detailed manner to everything that constituted hazing.

The CHAIRMAN. I have nothing else. The other gentlemen may inquire.

Mr. PADGETT. I would like to ask for a little explanation, Admiral. I notice in the copy of a report sheet, or rather memorandum, furnished us by the surgeon, some entries that I wanted to ask about—without calling the names. I see one entry which says: “Occurred at sport; origin, not duty.” There are a number of that kind. Then I see further down “Football game; origin, duty.” What is the distinction between what is characterized here as sport and a football game?

Admiral SANDS. The surgeon’s interpretation, apparently, is that one is a recognized academy affair and the other is a matter of daily life; but we do not have the interpretation of what is duty and what is not duty. That belongs to the surgeons. It belongs to their consciences. But there are a number, and I am one of them, who consider that every accident that occurs to a person who is in the service, when it is in the pursuit of legitimate duty—that is, as a part of his daily life—is on duty. If I send young men out on the athletic field, or allow them to go on the athletic field, and a man playing baseball is struck with a bat, it seems to me that is part of his development and part of his life in the development of his muscles. We are encouraging him in it, and it should be duty. But the surgeons do not necessarily do that. They say it is a matter of volition with him, and not a matter of duty. I hold that everything that is done by the midshipmen here is done under constraint, under orders, and that every injury they receive that is not absolutely against the law and not an infraction of the rules is on duty. But that is something we do not control. The surgeons control that.

Mr PADGETT. I notice further down here “right clavicle broken in gymnasium; not duty.”

Admiral SANDS. I disagree with him in that.

Mr. PADGETT. I could not understand how it was that above here he has a football game put down as being in the line of duty and an accident occurring in the gymnasium as not in the line of duty.

Admiral SANDS. The explanation is as I told you. If there is an instructor present, and it is a part of the regular routine of the academy, the surgeon evidently considers it a matter of duty. If a student is there in his time of recreation, and going through these exercises, and he meets with an accident, it is considered something of his own volition and therefore not on duty, because he has not been specifically ordered to perform that thing. I hold personally, every accident that occurs here that is not against the law and is not done against the regulations is on duty, and that the midshipmen should have the benefit of it, as all officers should have in the Government service; where these things are subject to pension, although midshipmen have no pensionable status. Therefore, when he is compelled to do these things, or encouraged to do them, why he should not be considered to be on duty when he is doing them I can not understand.

Mr. PADGETT. Neither can I, and that is why I am trying to get this information.

Admiral SANDS. The surgeons have the interpretation of these things, because on their reports may lie a claim for pension. And I

presume, it being a professional decision, that a layman has no expression of opinion officially on that subject.

Mr. PADGETT. We gathered in substance from the statement of the surgeon-general that if a midshipman is——

Admiral SANDS. Do you mean the surgeon-general or the senior medical officer?

Mr. PADGETT. Well, put it senior medical officer—I did not use his correct title—that when a midshipman is brought to the sick quarters, if it is after the daily report has been sent in, he makes out a sick slip, as he calls it, and sends it to the commandant of cadets, stating simply that the boy is there and that he should be excused for the day, without giving to the commandant a statement of what the trouble is or its origin, and that in his report to the superintendent, which he makes daily, he does not give the origin or cause of the injury?

Admiral SANDS. No.

Mr. PADGETT. Would it not be well that he should be directed to indicate in his report the origin of the trouble, so that it might be investigated?

Admiral SANDS. In case of an accident, you mean; in case of injury?

Mr. PADGETT. In case of injury.

Admiral SANDS. Not of illness?

Mr. PADGETT. I mean where there is an injury to a man indicating that the cause was a fight?

Admiral SANDS. Oh, yes.

Mr. PADGETT. He states that he does not in his report indicate those things either to the commandant of cadets or to the superintendent, and the boys have testified—the midshipmen, I will use that instead of “the boys”—the midshipmen have testified that they felt perfectly safe in going to the sick quarters, feeling that no unnecessary questions would be asked and that no developments would come from their going to the hospital?

Admiral SANDS. Oh, I think this inquiry has developed the fact that the form of report should be changed somewhat—that they should give every case where there is suspicion, that there should be a clearing of that ground by either the statement that it was probably not caused by illegal methods, or that it was a question of accident.

Mr. PADGETT. It occurred to me that there should be something indicated to the commanding officers.

Admiral SANDS. Yes. Our forms are regulation forms, and any alteration of them in that way must be made special, and can be made special by the superintendent, but it is certainly an advantage that the superintendent should know whether the regulations are being broken or not, and he can only find that out in these cases by having the origin of an injury stated.

Mr. LOUD. It developed from the testimony of Surgeon Byrnes that when a midshipman came into the hospital, if on being asked what the origin of the injury was, he said he did not wish to state, it was then entered as not in the line of duty, without further comment, but that that report was so made that it never reached the disciplinary officers so that their attention would be called to the fact.

Admiral SANDS. No; it never would come to them, anyhow,

unless the superintendent were satisfied that something was being hidden.

Mr. LOUD. The entry of "not in line of duty" would not necessarily indicate anything out of the way, but declining to answer would certainly indicate something out of the way and be worthy of the investigation of the disciplinary officer, if it came to his attention?

Admiral SANDS. Certainly.

Mr. LOUD. But never coming to his attention, the door was wide open?

Admiral SANDS. We have not only a discipline officer, but an assembly of them, and when we can not find out these things by simple questioning, we bring together a board of investigation and put the witnesses under oath.

Mr. LOUD. So that the door which was opened before would be closed?

Admiral SANDS. Yes, sir.

Mr. GREGG. One of the young men in testifying before us attempted to justify the maintenance of a system of rates here upon the ground that they obtained on shipboard. Is that right?

Admiral SANDS. I do not know of any maintenance of rates on shipboard, except what I have told myself; that there are always differences of rank, and that officers are respected in accordance with their age and the duties they may perform, although the great mass of the officers mess together and live together and call each other by their first names.

Mr. GREGG. As a matter of fact, there is no system of rates, as understood here, that obtain on board ship?

Admiral SANDS. None whatever.

The CHAIRMAN. For instance, the midshipman stated as one rate the fact that junior officers had a certain part of the deck that they might go upon?

Admiral SANDS. Oh, yes. The commissioned officers use one side of the ship and the warranted officers use the other side of the ship. That is an old custom, as long as there has been a navy in any country, that the flag officer, captain, the officer of the deck, and the executive officer were allowed to use the starboard side of the quarter-deck.

The CHAIRMAN. But, of course, it is not a rate, because if you go back you would find somewhere that it came from legal authority?

Admiral SANDS. Certainly; it is not a rate at all. There are always positive orders; so much so that if a midshipman is officer of the deck he has all the rights of a lieutenant-commander, and nobody can leave the ship or come aboard without reporting to that midshipman. And if he gives an order the only people who are excused from it are the captain and the executive officer, whose representative he is. He represents the captain on board the ship when he is officer of the deck, and every man who is ordered by him, no matter what his rank may be, to do certain things in his capacity as officer of the deck, must obey him. It does not make a particle of difference what his rank is. The officer of the deck, the lieutenant-commander, ranks everybody on the ship except the captain and the executive officer.

Mr. GREGG. As the result of positive orders?

Admiral SANDS. Oh, yes.

Mr. GREGG. I wanted to make that distinction.

Admiral SANDS. The Navy Regulations govern that and the customs of the service.

The CHAIRMAN. I think that is all, Admiral. I am very much obliged to you.

STATEMENT OF LIEUT. ALLEN BUCHANAN, U. S. NAVY.

Lieut. ALLEN BUCHANAN, U. S. Navy, appeared before the subcommittee.

The CHAIRMAN. Lieutenant, we wish to ask you about one or two little instances that have come up in the course of the hearing. You were one of the disciplinary officers last year?

Lieutenant BUCHANAN. Last year I was; yes, but not since September.

The CHAIRMAN. There were four of you?

Lieutenant BUCHANAN. No; last year there were ten. This was in addition to our other duties last year.

The CHAIRMAN. Ten disciplinary officers. One day in ten you were at Bancroft Hall?

Lieutenant BUCHANAN. Yes, sir. We went to our drills and recitations and everything else, and one day in ten we had to take that in addition to the other duties. We were in two departments in addition to that.

The CHAIRMAN. I suppose you were not able to get very familiar with the cadets? That is, to get much knowledge about them, in that way?

Lieutenant BUCHANAN. None at all. I knew none of the people except the people I had in the section room.

The CHAIRMAN. Physical hazing, as you understand it, did not prevail last year?

Lieutenant BUCHANAN. No; not to my knowledge, of course.

The CHAIRMAN. I suppose there was plenty of what they call running, and what should be termed fagging. They do not term it that, but the performance of menial services?

Lieutenant BUCHANAN. I knew of none of it myself, either running or fagging. Of course, everyone knows that they had these rates. I remember the superintendent stating to the Board of Visitors here last year, for instance, that the fourth class were turning corners squarely, and little things of that kind. As far as running and hazing are concerned, we understood that they were absolutely dead. I had no knowledge of it.

The CHAIRMAN. Has any knowledge come to you since to indicate that while physical hazing was done away with, running existed to a considerable extent?

Lieutenant BUCHANAN. Nothing, except what I read about in the papers. That came up before the court-martial and the board of investigation.

The CHAIRMAN. I think the boys carried out their agreement about physical exercises.

Lieutenant BUCHANAN. They probably made their own definition of what hazing was, and carried that out.

The CHAIRMAN. But they distinguished sharply, and the things that were not physical, I think, prevailed to a considerable extent. There were some particular questions which we desired to ask you,

Lieutenant. Have you a reference to that Mr. Dawson? It was something that came up in the evidence of some of the midshipmen.

Mr. DAWSON. I have a note of it here.

The CHAIRMAN. Well, you are familiar with those hieroglyphics. Suppose you ask the questions of the Lieutenant.

Mr. DAWSON. Have you any recollection of an incident, Lieutenant, during the last academic year, in which during the inspection of quarters there were five or six fourth class men who were engaged together in the waking up of a single upper class man? Our information is that of these five or six, one impersonated a rooster, one a guinea hen, and so on, and so on, and they were going in a body to wake up a single upper class man.

Lieutenant BUCHANAN. I have no recollection of such a thing; not the slightest.

The CHAIRMAN. The guinea hen feature of it might not have come to his knowledge. But I think he said there were five or six of them coming out of one room, and you were inquiring about the cause of it, and they said they were there to wake up this upper class man, and that you suggested to them that perhaps one would be sufficient to wake up an upper class man.

Lieutenant BUCHANAN. Last year?

The CHAIRMAN. Yes.

Lieutenant BUCHANAN. I have not the slightest recollection of any such thing occurring—not the slightest.

The CHAIRMAN. The only significance there could be in it, anyway, would be this: We have been questioning the midshipmen closely as to whether the disciplinary officers knew of these running practices. They having given an agreement to do away with physical hazing, they rather maintained that their other practices were known to the disciplinary officers and that no attention was given to them and that they were not considered of a harmful nature. In asking for specific instances this was brought out.

Lieutenant BUCHANAN. I have not the slightest recollection of anything of the kind. I, as officer in charge, would certainly have gone into it if anything of that kind came to my knowledge. As I say, everybody about the academy knew about the rates. Rates did exist during my time, but as to running or hazing, I do not think of any.

Mr. GREGG. You might state to the Lieutenant that that was stated as a rumor. Nobody stated it positively.

Lieutenant BUCHANAN. I think there must have been some mistake. I have not the slightest recollection of such a thing occurring. I can not conceive of how I could have said any such thing. If anything of that kind came to my knowledge I, as the officer in charge, would have stepped in and prevented it right then.

The CHAIRMAN. The witness did not pretend to state it as his own knowledge, and did not want to give it the value of being of his own knowledge. He said he had heard some rumors, and we asked for the rumors.

Lieutenant BUCHANAN. It might have been something like this: I know, frequently at the staff table, I was talking with the young gentlemen at dinner, and I might have told some story about things that happened during my time, and this rumor may have gotten out from that, because, of course, things of that kind did happen when I was

here. I can not conceive any other way in which it originated. I know that I, of course, would not have allowed such a thing.

The CHAIRMAN. What year did you graduate?

Lieutenant BUCHANAN. 1899. As I say, they may have made some remarks to me at the staff table, and I may have made some remarks about the number that were required in my time, in talking unofficially at the staff table. But when it comes to my seeing midshipmen coming out of a room, where they had been waking up other midshipmen, I can not understand that. There must be some mistake.

Mr. GREGG. Did hazing exist during your day here?

Lieutenant BUCHANAN. Yes, sir.

STATEMENT OF LIEUT. RAYMOND STONE, U. S. NAVY.

Lieut. RAYMOND STONE, U. S. Navy, appeared before the subcommittee.

The CHAIRMAN. Lieutenant, you are pretty familiar with all this chatter over in the back part of this book [indicating]?

Lieutenant STONE. Yes, sir.

The CHAIRMAN. "Petty officers, first and second class"—I think you have told us that does not refer to the classes in the school, but to the class of officers?

Lieutenant STONE. Those are military terms. For instance, petty officers of the second class, in a military sense, are really, several of them, members of the first class which was just graduated.

Mr. GREGG. How do you class them in the second class?

Lieutenant STONE. A sergeant is a petty officer of the first class.

Mr. GREGG. I say petty officers of the second class?

Lieutenant STONE. They run now, the cadet officers; then the first petty officer is a first sergeant, the second petty officer is a second sergeant, and the third and fourth petty officers would take the place, in the old organization, of corporals.

The CHAIRMAN. How many cadets were called as witnesses in the Board of Investigation?

Lieutenant STONE. Approximately 109 of the lower class and approximately 20 of the three upper classes.

The CHAIRMAN. Twenty each?

Lieutenant STONE. No, sir; 20 in all. May I refer to this record?

The CHAIRMAN. Oh, yes. Explain that to us and it will save a good deal of looking up.

Lieutenant STONE (reading): "The board having examined 109 members of the fourth class of midshipmen taken from all of the several companies of the brigade and about 20 midshipmen of the upper classes, and having recorded testimony involving about 60 midshipmen of the first class, 90 of the second class, and 131 of the third class," and so forth.

The CHAIRMAN. How many do you find were implicated, by the testimony of the witnesses who were called, in hazing of any degree?

Lieutenant STONE. That was what I mentioned right there, "testimony involving about 60 midshipmen of the first class, 90 of the second class, and 131 of the third class."

Mr. GREGG. You use the word involving in the sense of implicating?

Lieutenant STONE. Yes, sir. To verify these figures roughly, these checks can be counted. Each check mark is a witness.

STATEMENT OF LIEUT. COMMANDER H. A. WILEY, U. S. NAVY.

Lieut. Commander H. A. WILEY, U. S. Navy, appeared before the subcommittee.

The CHAIRMAN. Commander, you are here in the line of duty, by direction of the President and Secretary of the Navy, to make answer to such questions as the committee may desire to put to you touching the discipline and management of the academy, particularly as it refers to the practices known as hazing.

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. You are one of the disciplinary force attached to the academy?

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. There are four officers especially detailed for disciplinary purposes?

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. And they keep in close touch with the midshipmen?

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. The midshipmen brigade is divided among the four officers?

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. Each one of you has a section of them under your immediate charge?

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. You keep your office in Bancroft Hall?

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. You make the inspection of rooms of the section of the brigade under your especial charge?

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. You endeavor to keep in close touch with the section under your charge?

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. This is a new order of things here as pertains to the discipline?

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. Last year, and in preceding years, we understand that ten officers belonged to the disciplinary force?

Lieutenant-Commander WILEY. I understood there were a great many. I was not here and I do not know what it was.

The CHAIRMAN. One of the ten would go on duty for twenty-four hours at Bancroft Hall. The others in the meanwhile would be performing the other duties assigned to them.

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. The four disciplinary officers at present have no other duties?

Lieutenant-Commander WILEY. None whatever, except sometimes special boards.

The CHAIRMAN. Except sometimes special duties?

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. Under this plan you are enabled to get a pretty close acquaintance with the cadets under your charge? You are enabled to know those among them who are studious and obedient to orders and those that have a tendency to violate regulations?

Lieutenant-Commander WILEY. I can not say about the studious part, sir. Of course, we are familiar with the conduct of those in our division, but we have nothing to do with the recitations. We can, by looking at the monthly reports, find out who is satisfactory.

The CHAIRMAN. But at the end of six months a boy who is always in his room during study hours you would give credit for being studious over one whom you detected going to other rooms during study hours?

Lieutenant-Commander WILEY. Naturally; yes, sir.

The CHAIRMAN. That is what I meant, that you are enabled to give particular attention to those who develop a tendency to violate the regulations?

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. So that you can give them special surveillance. As a matter of fact, do you become pretty familiar with the characteristics of each one of these young men especially under your charge?

Lieutenant-Commander WILEY. I think we hope to in the future, but things have been very much interfered with here during the academic year. For about seven weeks we did not inspect at all, except on Sundays. I was a member of the board which investigated the subject of hazing. The system unquestionably should put us in close touch with the midshipmen of our divisions. That is our endeavor.

The CHAIRMAN. Where was your last service before you came here? Where were you attached?

Lieutenant-Commander WILEY. I was in command of a gunboat in the Asiatic Station.

The CHAIRMAN. How long had it been since you had been here at the academy before your present attachment?

Lieutenant-Commander WILEY. Since 1888—seventeen years.

The CHAIRMAN. Is that when you came for your final examination?

Lieutenant-Commander WILEY. That is when I came for my final examination.

The CHAIRMAN. What year did you graduate?

Lieutenant-Commander WILEY. In 1888. I came back two years later for my final graduation.

The CHAIRMAN. Was it Lieutenant-Commander Decker that graduated in 1897?

Lieutenant-Commander WILEY. Yes, sir.

The CHAIRMAN. The practices of hazing existed then in your time?

Lieutenant-Commander WILEY. Yes, a good deal of it, sir.

The CHAIRMAN. Very much as it is at the present time? The practices known as hazing and what is properly termed fagging did not exist?

Lieutenant-Commander WILEY. Fagging was unknown. Running was very common.

The CHAIRMAN. These humiliating exercises and practices, like sending a man under the table, was not prevalent in your day?

Lieutenant-Commander WILEY. I never heard of it.

The CHAIRMAN. That is a recent development?

Lieutenant-Commander WILEY. I never heard of it before, sir.

The CHAIRMAN. Commander, the evidence taken before this investigating board showed that a large portion of these disorders and violations took place in the mess hall. How could they take place to

the extent they did with a disciplinary officer present, supervising them?

Lieutenant-Commander WILEY. Because the cadet officers had no sense of duty, I should say, sir. There were 40 tables at that time which were used by the midshipmen for messing, arranged on each side of a very long hall. The staff table was in the center of the hall. I dare say that if we had expected anything of that kind we might have detected a case here and there, but should think the disorders did not occur near the staff table, so that it was impracticable, under the circumstances, to see any of those. I think we were inclined to trust our subordinates until they proved that they were not trustworthy. That is customary in the military service.

The CHAIRMAN. Then nothing in your experience here would lead you to look for men under tables?

Lieutenant-Commander WILEY. I have never heard of it before, sir. I had never heard anything about it until it was brought out before the board of investigation. It was an entirely new thing. When the superintendent asked me unofficially if I thought there was any hazing going on here—he had a number of letters I understand—I flatly denied it. I said I had seen no indication of it whatever and was firmly convinced there was none.

The CHAIRMAN. In your opinion a good many of these practices of a minor nature are harmless, are they not?

Lieutenant-Commander WILEY. Well, they are harmless in themselves, sir, but it is rather hard to draw the line of distinction between what is harmless and what is not. The harmless things lead to greater ones, I think. The way I look at this thing, if you wish my opinion, is that what you call the harmless things would be very good for some young men, but unfortunately they do not usually pick out those young men. They are very bad for others. A great many boys come here, for instance, to work their way here. They come with a full determination to go through the place. They attend to their business, and all these customs are new to them; if they are run to any extent, it breaks their spirit and they become discouraged and disgusted. It ruins their career. Whereas, if they take a top-lofty young man and run him to such an extent that he would bring himself down to the same plane as his fellows, his own classmates, I think perhaps it would be beneficial to him. Then on the other hand, it is a sort of human nature among the young men that if a chap comes here with plenty of money and influence, to bootlick. He can get on the right side of certain young men of not much character, perhaps, and his life is rather easy; whereas another young man who is more worthy, and not able to bootlick, or whose personal characteristics are not very attractive, perhaps, might get a good deal of it. So it is really better to say that none of it shall exist.

The CHAIRMAN. You think it is inevitable that if these practices are permitted at all they lead to excesses?

Lieutenant-Commander WILEY. They are carried to extremes.

The CHAIRMAN. And become a part of the objectionable system of hazing?

Lieutenant-Commander WILEY. I think so. There are certain things I think should be recognized officially.

The CHAIRMAN. Along the line of rates?

Lieutenant-Commander WILEY. I would not call them rates.

The CHAIRMAN. Privileges?

Lieutenant-Commander WILEY. Privileges. I think fourth class men, for instance, should not go to the hops. They do not go to the hops, as a rule, except by special request, unless their fathers or mothers or some of their close friends are here. I think, as a rule, fourth class men are not very presentable.

The CHAIRMAN. But that is not a matter that is fixed by the midshipmen, is it? That is fixed by the authorities?

Lieutenant-Commander WILEY. There is no regulation concerning it, but they do not contribute to the hop fund, and it is an unwritten rule, which I think is a good one. As a rule they are not very presentable, the fourth class men. When I first came here I was not very presentable as a midshipman. It took some time to get a proper bearing. I was awkward, and more or less embarrassed. I was not altogether fitted for the hops, not that the hops amounted to anything as a social function. But in all those things, as a man who has been here, I believe the privileges should be graded according to his service in the school.

The CHAIRMAN. We understood from some of the testimony before us that fourth class men were not permitted to go to the hops. We understood that it was considered better in the first year that they should give their attention to their duties.

Lieutenant-Commander WILEY. It is an understood thing. I do not know of any regulations concerning it, but it is an understood thing. It is recognized in that way.

Mr. LOUD. It would be in the new regulations?

Lieutenant-Commander WILEY. It would be in the new regulations. It is accepted; but at present they can go by special request. We frequently let them do so.

The CHAIRMAN. That is one of the prevailing rates that will be made official?

Lieutenant-Commander WILEY. That is what I mean, without enumerating others.

The CHAIRMAN. One of the midshipmen who appeared before us testified about as follows:

Commander Wiley went into a room where the upper class men were hazing plebes. He asked them what they were doing, and they answered that they were hazing the plebes. He ordered them to their rooms and took no further action.

Have you any recollection of any such circumstance?

Lieutenant-Commander WILEY. I do remember the circumstance, but that statement is not correct.

The CHAIRMAN. Give us the correct statement.

Lieutenant-Commander WILEY. I remember going into a room. I do not know whether I went into several rooms.

The CHAIRMAN. This says "a room."

Lieutenant-Commander WILEY. This was at the time either when the board had been ordered or the subject had come up. It was just about to be investigated. I am under the impression that the board had already been ordered, but that we had not had our first sitting. I was on duty that day and I saw a fourth class man come out of this room. I went in and asked these young men what they were doing. I think, as I recall, there was a young man named Botsford and a young man named Eccleston and two or three others in this room. First I asked the fourth class man if he was a friend

of the midshipmen that lived in there. I knew he did not live there. He said no. I went in and asked what was going on in there. They said nothing. I knew there was something going on, so I took all their names and presented them to the recorder of the board, and asked that this midshipman be called as a witness and be examined concerning the conduct of these five midshipmen. I think there were five in this room, if I am not mistaken. I asked that he be called and examined concerning their conduct toward him, which was done. I considered that that was quite proper on my part.

The CHAIRMAN. Yes. The reason given, then, was not that they were hazing the plebes, but that they were doing nothing?

Lieutenant-Commander WILEY. I would not say, but the impression was created in my mind that they said they were not doing anything especially. They did not say for an instant that they were hazing this young man, but I knew he was not there by authority and that they were doing something to him, and, as I say, I think the board met the next morning. At any rate, I had official information that the board was to meet within a few hours—twenty-four or forty-eight hours.

The CHAIRMAN. Instead of nothing being done, you did make a note about it and had it investigated by the board?

Lieutenant-Commander WILEY. I made a note of it, and also of several other rooms that I entered, and in every instance the course was pursued by the board that was considered proper. The names of all the midshipmen concerned were in the hands of the recorder of the board.

The CHAIRMAN. I think the evidence was given to us by a man who stated that it was a rumor and that he did not know it of his own knowledge.

Lieutenant-Commander WILEY. If there was any insinuation that I had in any way encouraged or had overlooked any fault in either an upper class man or a fourth class man it is absolutely without any foundation. I overlooked a good many things, I suppose, for that matter, in all midshipmen, because I consider that frequently that is the proper course.

The CHAIRMAN. I suppose it grows out of the fact that the midshipmen are looking around for means of justifying themselves by circumstances indicating that the authorities do not frown too much on some of these practices, and this is one of the rumors.

Lieutenant-Commander WILEY. It is either one of two things—a man is hazing or he is not hazing. You take your choice. If a man is actually hazing you order him brought up for hazing, and there is no middle course, you know. As the board was investigating this thing I considered it proper not to make any report concerning it except to the board, and the board took the proper action. The man who was in the room—the fourth class man—was interrogated, and he told us all he knew. The mere fact that it did not come to their attention that anything had been brought out was perhaps the reason they thought I had paid no attention to it.

The CHAIRMAN. I should say you adopted the best method, inasmuch as you had an organization where they could be brought and questioned under oath, and that in that way better information could be obtained than in any other way.

Mr. GREGG. It seems to me he pursued a very judicious course in that case.

Mr. DAWSON. When did you come to the academy on your present assignment?

Lieutenant-Commander WILEY. I came the 1st of June. I reported then. I was detached on the 6th. I ran a tugboat up and down the coast between here and New London, Gardiners Bay, during the summer.

Mr. DAWSON. Did you have direct supervision over the fourth class men during the summer?

Lieutenant-Commander WILEY. I was on duty only once. That was between the 1st and 6th of June. I did not return to duty or did not come into the discipline department until, I think, the 25th of September. I had nothing to do with the fourth class men, you might say, until the 25th of September. I had no tour of duty, but just filled in.

Mr. DAWSON. I find in this testimony before the board of investigation that you, as the senior member of that board, instructed Mr. Donaldson, in the nature of an order, that "When this occurs at any time in the future [having reference to hazing] you will report the matter to the senior member of this board." That was an instruction to the fourth class men to report any occurrences of hazing by the upper class men, as I understand?

Lieutenant-Commander WILEY. No; I think that is a misinterpretation, sir. That refers to a particular thing, I think. Mr. Donaldson was one of the fourth class men regarding whom it was brought out that he had had some difficulty. He had been challenged to fight or had been asked if he wanted to fight, or something of that kind. He had been, as I recall, molested in ranks more or less. This was not an order to him to report any upper class men that he saw, but simply pertained to his own particular treatment.

Mr. DAWSON. This was not, then, in the nature of a general order to fourth class men to report any occurrences of coercion by upper class men?

Lieutenant-Commander WILEY. Not at all. I should not consider that the proper course.

Mr. DAWSON. Do you know whether or not any instructions were given to new cadets when they came in with regard to their rights, especially as pertained to hazing?

Lieutenant-Commander WILEY. No; I do not know in what way they were instructed.

Mr. DAWSON. You were not on duty at that time. There is one thing more. The records before us show that a certain midshipman, Mr. Bean, was given 50 demerits.

Lieutenant-Commander WILEY. Yes, sir.

Mr. DAWSON. By reason of being absent at supper, and on the record it indicates or appears that there was a fight in his room that night.

The CHAIRMAN. It says "gross disorder," if that would mean a fight.

Lieutenant-Commander WILEY. No; I think that refers to the occasion of the fight between Midshipman Branch and Midshipman Meriwether.

Mr. DAWSON. Was Mr. Bean a participant in that in some way?

Lieutenant-Commander WILEY. No; he was not a participant, but he was on duty as midshipman in charge of the floor on which it

occurred. In order to make it more clear, I might say the fight took place during the supper hour and lasted into the study hours. The midshipman was relieved at that time, so two midshipmen were involved for the same offense.

Mr. DAWSON. The failure to report?

Lieutenant-Commander WILEY. I do not remember whether Mr. Bean was relieved at half past seven or whether he came on duty at half-past 7, but in any case the fight was going on before half-past 7 and lasted well on toward 8 o'clock. I was on duty at the time when the thing took place, and I came onto the floor, and it seems that my presence had the effect of having the fight stopped; but there were indications that each of these two midshipmen on duty on the floor had connived in the matter.

Mr. DAWSON. They knew it was going on?

Lieutenant-Commander WILEY. It was their duty to make an inspection. The one who came on duty was supposed to make an inspection at half-past 7, and he could not have failed to know that this thing was going on. The one who was relieved at half-past 7 was supposed to see that nothing of the kind went on. So that each one was equally guilty, and Mr. Bean was one of those midshipmen. He was not reported for taking any part in the thing at all, but he was reported for deliberate neglect of duty, which, I think, according to the schedule, was 50 demerits.

Mr. DAWSON. Has there come to your knowledge evidences of any other fights during the present academic year?

Lieutenant-Commander WILEY. No, sir; I do not think there has been any other since the Meriwether fight.

Mr. DAWSON. Were there any before that that you knew of?

Lieutenant-Commander WILEY. None that I knew of.

Mr. PADGETT. Commander, in the discipline of the school suppose that a fourth class man sees a first class man violating the regulations. Is it the duty of the fourth class man to report that violation to anybody?

Lieutenant-Commander WILEY. No, sir.

Mr. PADGETT. Is he permitted to report it to anybody?

Lieutenant-Commander WILEY. If he did report it, the report would stand.

Mr. PADGETT. What would be done to him if he did report it?

Lieutenant-Commander WILEY. I should think unquestionably he would fare rather badly at the hands of the first class men. It is so unusual and so contrary to military usage that it would, I have no doubt, be made very uncomfortable for him.

Mr. PADGETT. So that under the usage it is expected that if an under class man sees an upper class man violating any regulations, mum is the word?

Lieutenant-Commander WILEY. I think that does not exactly express it, sir. There is a great distinction between cadet midshipmen officers and midshipmen. No midshipman of any class is supposed to report other midshipmen unless he is a cadet officer, or on duty. It is not a part of his function, whether he is a first class man or upper class man.

Mr. PADGETT. If he is acting in an official capacity he has to report it?

Lieutenant-Commander WILEY. He has; yes, sir.

Mr. PADGETT. Whatever his grade in the classes may be?

Lieutenant-Commander WILEY. Yes, sir; there is absolutely no distinction.

Mr. PADGETT. As I understand, then, if any midshipman in his private capacity sees any violation going on, there is no obligation upon him to report it?

Lieutenant-Commander WILEY. None whatever, sir.

Mr. PADGETT. That is what I wanted to get at. That is all, I believe.

The CHAIRMAN. That is all, Commander.

STATEMENT OF MIDSHIPMAN JAMES M'CREDIE IRISH, U. S. NAVY.

Midshipman JAMES McCREDIE IRISH, U. S. Navy, having been first duly sworn, testified as follows:

The CHAIRMAN. What is your full name?

Midshipman IRISH. James McCredie Irish, sir.

The CHAIRMAN. What class do you belong to?

Midshipman IRISH. I belong to the third class, sir.

The CHAIRMAN. Sometime last spring a portion of your class, including yourself, I understand, were taking dancing lessons or exercises, and the class or a portion of the class was disorderly. Admiral Brownson chanced to come in and noticed the disorder, and directed some of the upper class men present to take the dancing squad to the armory and put them through exercises. Do you remember this?

Midshipman IRISH. Certainly; yes, sir.

The CHAIRMAN. What month was that—last February or March?

Midshipman IRISH. It was along that portion of the year, either January or February, I would not be absolutely certain.

The CHAIRMAN. Was the whole dancing class taken to the armory?

Midshipman IRISH. The whole of that dancing class, but only half of the third class.

The CHAIRMAN. All who were there?

Midshipman IRISH. Yes, sir.

The CHAIRMAN. How long did those exercises continue?

Midshipman IRISH. From a little before 5 o'clock until after 6.

The CHAIRMAN. For how many days? About a week?

Midshipman IRISH. It was a week, lacking a day, not including Saturday.

The CHAIRMAN. How many were there in the dancing division that were there, or about how many?

Midshipman IRISH. About 120.

The CHAIRMAN. Was that given to you as a punishment, did you understand?

Midshipman IRISH. Why, certainly; punishment for raising a disorder in the class.

The CHAIRMAN. That punishment was carried out under the superintendence of upper class men?

Midshipman IRISH. Yes, sir.

The CHAIRMAN. How many upper class men had charge of you?

Midshipman IRISH. One.

The CHAIRMAN. Was he a cadet officer?

Midshipman IRISH. He changed each day. He was the officer of the day assigned for twenty-four hours, and he had charge of the drill.

The CHAIRMAN. What exercises were you given?

Midshipman IRISH. The regular setting-up exercises, the sixteenth, the crew, the leaning rest, and then for a change he had us double time around the room in column.

The CHAIRMAN. Are the exercises that you were given, the crew and the leaning rest, etc., used in the regular duty—are they a part of the official programme in the exercises here in the academy?

Midshipman IRISH. They go down to the armory in the plebe year and receive regular instructions in those exercises; then later in the course the upper class men usually have charge of the lower class men to give them these drills. Then when they go aboard ship they have the same thing to do to the men.

The CHAIRMAN. Did this upper class man give you any exercises other than the exercises laid down in the drill and in the regulations?

Midshipman IRISH. None.

The CHAIRMAN. These exercises that you call the sixteenth and the leaning rest and the crew, when given without authority, are called hazing?

Midshipman IRISH. They constitute hazing; yes, sir.

The CHAIRMAN. That is, they are some of the exercises called hazing. You say these were given as a punishment?

Midshipman IRISH. Yes, sir.

The CHAIRMAN. Did the boys term it official hazing?

Midshipman IRISH. We called it hazing, but it was really no more than we got during our plebe summer for setting-up exercises.

Mr. GREGG. Is it known here as official hazing? Is that what the boys would call it—official hazing?

Midshipman IRISH. I do not think, sir, we made that distinction.

Mr. GREGG. You called it hazing?

Midshipman IRISH. We simply said when we got through we had been hazed—that one class, at least, had been hazed.

Mr. GREGG. Why did you call it hazing?

Midshipman IRISH. Well, because it was not customary for the third class to get so much of it, and to get it from a first class man.

Mr. GREGG. It was not customary for fourth class men?

Midshipman IRISH. For third class men.

The CHAIRMAN. They were the third class?

Midshipman IRISH. No; we were the fourth class. That is correct. During our plebe summer, when we were there for just those things, we did not call it hazing, of course.

The CHAIRMAN. But you had gotten not of that period, had you?

Midshipman IRISH. We had not had any for several months.

The CHAIRMAN. You had passed through the setting-up exercises, had you?

Midshipman IRISH. Yes, sir.

The CHAIRMAN. And had gone into other drills?

Midshipman IRISH. Yes, sir.

The CHAIRMAN. And this was put on you?

Midshipman IRISH. On to the regular drill we got every afternoon.

The CHAIRMAN. You got that every afternoon?

Midshipman IRISH. Yes, sir; for the rest of the week.

The CHAIRMAN. And this you considered punishment for the disorder?

Midshipman IRISH. Yes, sir.

Mr. LOUD. I want to ask what is the greatest number of the sixteenth that you received in one day.

Midshipman IRISH. I would not be absolutely certain, but I am sure it was at least 150, and we got that at one stretch—either 120 or 150.

Mr. LOUD. Were all of the fourth class men able to continue to that limit?

Midshipman IRISH. We all did.

Mr. LOUD. That means that you could, then?

Midshipman IRISH. And the next day we were all lame as the result.

Mr. LOUD. And the leaning rest, were all of them able to do it the required number of times?

Midshipman IRISH. We went through it.

Mr. LOUD. You can only do it the number of times your physical powers permit you?

Midshipman IRISH. Yes, sir.

Mr. LOUD. Were any of the fourth class men reported for not continuing the exercises as long as the officer desired?

Midshipman IRISH. No, sir.

Mr. LOUD. You are sure of that?

Midshipman IRISH. I am absolutely certain of that, sir. The first class man at that time was such a——

Mr. LOUD. Were some of the boys reported in some way for not carrying not the limit the desires of the upper class man?

Midshipman IRISH. None to my knowledge.

Mr. LOUD. All right.

Mr. DAWSON. Did you hear the order which Admiral Brownson gave to the upper class men to give this punishment?

Midshipman IRISH. No, sir. He called the officer of the day off to one side, and when we were through we all started to leave the room, and we were told to stay for the extra exercise. The next day there was an order read out from the superintendent, simply an order signed by his name, that as punishment for this skylarking we were to receive this extra instruction every afternoon, to be under the control of the officer of the day.

Mr. LOUD. Was any remark made by the upper class officer that he would show you plebes, or fourth class men, whether hazing had been done away with or not?

Midshipman IRISH. I think he did make that remark, sir.

The CHAIRMAN. Did you hear the remark?

Midshipman IRISH. Yes, sir. I would not absolutely say that I heard it, but it was heard by some of us, I feel sure, and everyone had the opinion that he had said it.

Mr. LOUD. That he would show you that hazing had not been done away with here?

Midshipman IRISH. That was the nature of the remark.

Mr. GREGG. Where did he say that; before you left the dancing hall?

Midshipman IRISH. Yes, sir; after he had told us we were not to leave the hall for some time.

The CHAIRMAN. Was that the cadet officer?

Midshipman IRISH. Yes, sir.

Mr. LOUD. After Admiral Brownson had gone away?

Midshipman IRISH. Yes, sir; after Admiral Brownson had given the order to the officer of the day.

Mr. DAWSON. During the first summer here, how long a period a day is given to these setting-up exercises?

Midshipman IRISH. Every day we had an hour in the evening, from 8 until 9, and usually before infantry drill we would have anywhere from twenty minutes to half an hour of setting-up exercises with the guns.

Mr. DAWSON. Was it customary during that summer to perform these setting-up exercises for as long a period as you did in this case as punishment?

Midshipman IRISH. No, sir; we usually got rest. We would exercise for five or ten minutes and then we would have a rest for two or three minutes and start in again with the exercises.

Mr. DAWSON. Did these upper class men put you through these setting-up exercises with more severity than was done during the summer in the regular way?

Midshipman IRISH. You mean by severity, longer continued?

Mr. DAWSON. Yes, sir.

Midshipman IRISH. A great deal longer.

Mr. DAWSON. And more active?

Midshipman IRISH. More active and no rest.

Mr. GREGG. During that time did he give you any rests at all?

Midshipman IRISH. Not that I remember. I do not think he did—not the first day. When the other officers of the day for the rest of the week came, one or two of them got kind toward us and gave us a rest in between. But that was unusual.

Mr. GREGG. You have spoken of how many times you did the sixteenth. What was the greatest number of times you did the leaning rest?

Midshipman IRISH. I am not certain as to that. I do not imagine any of us could have done it more than 20 or 25 times.

Mr. GREGG. Did he undertake to make you do it more than that, or do you remember?

Midshipman IRISH. I do not remember, sir.

Mr. DAWSON. Instead of getting a rest during this punishment, you got a change?

Midshipman IRISH. We got a change; yes, sir.

Mr. GREGG. From one to the other?

Midshipman IRISH. Yes, sir.

Mr. LOUD. I would like to ask one question. What is the ordinary number of the sixteenth when it is given as an ordinary exercise?

Midshipman IRISH. The instructors usually give us 10 of each exercise, and there are anywhere from 5 to 6 other exercises in the drill, so that by changing a man gets anywhere from 50 to 60 movements, but that takes both arms and legs and back, so that is a change.

Mr. LOUD. In giving you ten times of the sixteenth, would there be a minute's interval between the next exercise or would one follow the other?

Midshipman IRISH. One would follow the other, and then after we had gone through the full exercise we would have a rest.

Mr. DAWSON. But each successive exercise brought into play a different set of muscles?

Midshipman IRISH. Yes, indeed.

Mr. PADGETT. Was any officer present in the exercising other than the officer of the day, who was a cadet midshipman?

Midshipman IRISH. No, sir; there was not.

Mr. PADGETT. There was no naval officer present?

Midshipman IRISH. No, sir.

Mr. PADGETT. Did the order that was given to the officer of the day state or designate how long these exercises were to continue daily?

Midshipman IRISH. Yes, sir; it said from after drill until 6 o'clock, as I remember.

Mr. GREGG. When did the drill close?

Midshipman IRISH. About a little before 5. Then we were marched over to the armory; so we usually started about 5 o'clock.

Mr. GREGG. You started these exercises about 5 o'clock?

Midshipman IRISH. Yes, sir.

Mr. LOUD. Was there any one present outside of the upper class man and the fourth class men who were being exercised?

Midshipman IRISH. No, sir.

Mr. LOUD. There were no spectators?

Midshipman IRISH. At the first exercise that we had down in the dancing hall itself there were several upper class men who dropped in usually to take dances after we left. They came in, and some of the first class remained to help the officer of the day, and the rest of them left right away.

The CHAIRMAN. You belong to the present third class?

Midshipman IRISH. Yes, sir.

Mr. PADGETT. Were you given one of these exercises at the dancing hall that night after the close of the dance, before leaving?

Midshipman IRISH. Yes, sir.

Mr. PADGETT. By the cadet officer?

Midshipman IRISH. Yes, sir.

Mr. PADGETT. And that was before the reading out of the order?

Midshipman IRISH. Yes, sir.

Mr. PADGETT. The next day?

Midshipman IRISH. Yes, sir; that was a personal order from Admiral Brownson.

The subcommittee (at 1 o'clock, p. m.) took a recess until 2.15 o'clock p. m.

AFTER RECESS.

The subcommittee reassembled at 2.15 o'clock p. m., Hon. E. B. Vreeland in the chair.

STATEMENT OF MIDSHIPMAN CARY WALTHALL MAGRUDER, U. S. NAVY.

Midshipman CARY WALTHALL MAGRUDER, U. S. Navy, having been first duly sworn, testified as follows:

The CHAIRMAN. What is your full name?

Midshipman MAGRUDER. Cary Walthall Magruder.

The CHAIRMAN. You are a member of the present third class?

Midshipman MAGRUDER. Yes, sir.

The CHAIRMAN. You were in a dancing class down here last spring at the dancing exercises where some disorder occurred, and as a punishment you were given exercises for a week?

Midshipman MAGRUDER. Yes, sir.

The CHAIRMAN. Was that the way you considered it, as punishment?

Midshipman MAGRUDER. Yes, sir; I do not see how it could be considered otherwise. The superintendent happened along just about that time and he told the officer of the day who was in charge to give us extra drill.

The CHAIRMAN. Was it drill?

Midshipman MAGRUDER. Yes, sir.

The CHAIRMAN. What were the exercises you had to take?

Midshipman MAGRUDER. The regular retting-up manual, sir.

The CHAIRMAN. The sixteenth?

Midshipman MAGRUDER. Yes, sir.

The CHAIRMAN. The crew?

Midshipman MAGRUDER. Yes, sir.

The CHAIRMAN. The leaning rest?

Midshipman MAGRUDER. Yes, sir.

The CHAIRMAN. And other exercises?

Midshipman MAGRUDER. Double time around the hall several times.

The CHAIRMAN. A sort of a quick step?

Midshipman MAGRUDER. Quick step, double time, sir.

The CHAIRMAN. How long each day did you get these exercises?

Midshipman MAGRUDER. On an average of about an hour, sir.

The CHAIRMAN. Did you have rests frequently or did they keep you going pretty steadily?

Midshipman MAGRUDER. We had very little rest while I was down there.

The CHAIRMAN. You say you considered it as punishment?

Midshipman MAGRUDER. Yes sir; I do not see how it could be considered otherwise. It was done at his direction.

The CHAIRMAN. Did you ever hear it termed official hazing among the boys?

Midshipman MAGRUDER. Some people referred to it as that, sir, in the quarters.

The CHAIRMAN. How many times would they give you the sixteenth?

Midshipman MAGRUDER. I did not count them, sir. They were given for about an hour without much rest—that is, in the different exercises. Some of the fellows said about 270 times, sir—something like that.

The CHAIRMAN. About 270?

Midshipman MAGRUDER. Yes, sir. Some of the fellows said they counted them. I did not count them.

The CHAIRMAN. Without resting, would they give you some other exercise?

Midshipman MAGRUDER. They would not give us more than about 100 straight, as I remember. They would give one and then the other.

The CHAIRMAN. Rather sharp exercise?

Midshipman MAGRUDER. Pretty sharp.

The CHAIRMAN. Were all of the boys able to stand that?

Midshipman MAGRUDER. The whole second battalion was there, about 130 men. We did not go to the hospital or anything, but we were pretty tired, I guess, afterwards. But it did not hurt them at all.

The CHAIRMAN. Was there any more disorder in the dancing class thereafter?

Midshipman MAGRUDER. No, sir.

The CHAIRMAN. It had a beneficial effect, did it?

Midshipman MAGRUDER. Yes, sir.

Mr. GREGG. Mr. Loud, you are familiar with that matter?

The CHAIRMAN. We went over it in detail with the other witness, and unless there is anything new that you want to bring out I do not know that there is any necessity for keeping Midshipman Magruder longer.

Mr. LOUD. Were any of the boys reported for not doing the exercises as desired?

Midshipman MAGRUDER. Some were reported for shirking, sir.

Mr. LOUD. At that time?

Midshipman MAGRUDER. Yes, sir.

Mr. LOUD. They were reported for shirking, because they did not carry out the desire of the upper class men?

Midshipman MAGRUDER. I was reported myself for shirking.

Mr. LOUD. What did you get for it?

Midshipman MAGRUDER. Fifteen demerits.

Mr. LOUD. Was it shirking, or inability to go on?

Midshipman MAGRUDER. It was neither, I think. I did not intend to shirk. I was doing the sixteenth, and I lost my balance and touched the deck.

Mr. LOUD. That is enough.

The CHAIRMAN. You did not do it in due and regular form?

Midshipman MAGRUDER. No, sir.

STATEMENT OF MIDSHIPMAN JOHN CLEMENT CAMPBELL, U. S. NAVY.

Midshipman JOHN CLEMENT CAMPBELL, U. S. Navy, having been first duly sworn, testified as follows:

The CHAIRMAN. What is your full name?

Midshipman CAMPBELL. John Clement Campbell.

The CHAIRMAN. From what State are you?

Midshipman CAMPBELL. Missouri.

The CHAIRMAN. Are you a member of the third class?

Midshipman CAMPBELL. No, sir; I am a member of the fourth class now. I have been a member of the third, sir.

The CHAIRMAN. How does that happen?

Midshipman CAMPBELL. I was recently turned back for deficiency in mechanical drawing.

The CHAIRMAN. You have to go over the year again?

Midshipman CAMPBELL. Yes, sir.

The CHAIRMAN. It may be the best thing that could happen to you. You will know the road thoroughly and will lay a good foundation for use in the years to come. You were in the dancing class last spring that was given exercises for a week for disorder that occurred?

Midshipman CAMPBELL. Yes, sir.

The CHAIRMAN. Done by order of Admiral Brownson?

Midshipman CAMPBELL. Yes, sir.

The CHAIRMAN. Under charge of one of the upper class men?

Midshipman CAMPBELL. Different upper class men, sir.

The CHAIRMAN. Yes; the officer of the day.

Midshipman CAMPBELL. Yes, sir.

The CHAIRMAN. How many days did that continue?

Midshipman CAMPBELL. I believe it continued a week, sir.

The CHAIRMAN. How much time each day?

Midshipman CAMPBELL. I think it continued from right after drill period, that is about 5 o'clock, until supper time.

The CHAIRMAN. About an hour?

Midshipman CAMPBELL. Yes, sir; just about.

The CHAIRMAN. Were the exercises rather mild or severe?

Midshipman CAMPBELL. No, sir; I would say they were severe.

The CHAIRMAN. Tell us what you had to do.

Midshipman CAMPBELL. Well, the first evening, the evening this trouble occurred with the dancing instructor, the officer of the day had us down in the sail loft of the seamanship building, sir. . We had to do all the forms of setting up that they usually give.

The CHAIRMAN. What are they?

Midshipman CAMPBELL. The sixteenth exercise, sir, the crew—and I forget the rest of them.

The CHAIRMAN. The leaning rest?

Midshipman CAMPBELL. Yes, sir; all those different forms were given, I believe, sir.

The CHAIRMAN. Did you double-quick some around the room?

Midshipman CAMPBELL. Yes, sir.

The CHAIRMAN. Was much rest given to you during the hour, or did you keep it up pretty continuously?

Midshipman CAMPBELL. We kept it up for nearly an hour, sir, as I remember it.

The CHAIRMAN. Did it make you pretty tired before you got through?

Midshipman CAMPBELL. Yes, sir.

The CHAIRMAN. Was it beneficial to you in any way?

Midshipman CAMPBELL. Physically, sir?

The CHAIRMAN. In any way, I said.

Midshipman CAMPBELL. Yes, sir; it probably was, because there was no more trouble there after that.

The CHAIRMAN. There was no more disorder at dances?

Midshipman CAMPBELL. No, sir.

The CHAIRMAN. Yes; that would seem to be one of the good results. Did the officer in charge, the officer of the day, who gave those exercises to you say to you that he would let you know during the exercises that hazing had not disappeared altogether? Did you hear anything of that kind?

Midshipman CAMPBELL. Yes, sir; I believe I did.

The CHAIRMAN. Did you believe him at the end of the week?

Midshipman CAMPBELL. Yes, sir.

The CHAIRMAN. That is all. These other gentlemen will inquire of you now.

Mr. LOUD. What was the remark, as well as you can recall it, that was made by the upper class man?

Midshipman CAMPBELL. That was as near as I can recall it, sir, that he would let us know how they lived in the good old days, and show us that hazing had not stopped here yet. That is about the substance of his remarks, sir.

Mr. LOUD. I would like to ask if you received any demerits or were reported.

Midshipman CAMPBELL. Yes, sir.

Mr. LOUD. At that time, for not carrying out to the satisfaction of the upper class man the exercises?

Midshipman CAMPBELL. Yes, sir; I know several men who were put on the report for shirking when they were exhausted.

Mr. LOUD. You did not receive any?

Midshipman CAMPBELL. No, sir.

Mr. LOUD. You pulled through?

Midshipman CAMPBELL. I did not receive any myself, but I know of instances where midshipmen did receive them.

Mr. GREGG. They claimed to be exhausted, or that they could not go on any longer?

Midshipman CAMPBELL. Yes, sir; I think they were exhausted.

Mr. GREGG. And could not go any longer?

Midshipman CAMPBELL. Yes, sir.

Mr. LOUD. It was not intentional where they failed to comply with his wishes?

Midshipman CAMPBELL. No, sir; the exercises were so severe.

Mr. PADGETT. Were they made to do anything in those exercises that is not prescribed in the regular tactics?

Midshipman CAMPBELL. No, sir; I do not believe there were any exercises given that are not in the exercise book. We have all had those exercises at the armory, but not to such an extent as we received them that day.

Mr. PADGETT. But you did not have them for so long a time and such a severe way?

Midshipman CAMPBELL. No, sir.

Mr. LOUD. What is the largest number of the sixteenth you did at any one time; do you remember?

Midshipman CAMPBELL. Well, I guess 250, sir, as I remember it.

Mr. LOUD. Was that continuously or with breaks?

Midshipman CAMPBELL. Yes, sir; continuously.

Mr. DAWSON. At this drill?

Midshipman CAMPBELL. Yes, sir.

STATEMENT OF JOHN FRANKLIN M'CLAIN, U. S. NAVY.

Midshipman JOHN FRANKLIN McCLAIN, U. S. Navy, having been first duly sworn, testified as follows:

The CHAIRMAN. What is your full name?

Midshipman McCLAIN. John Franklin McClain.

The CHAIRMAN. What State are you from?

Midshipman McCLAIN. South Dakota, sir.

The CHAIRMAN. By whom were you appointed?

Midshipman McCLAIN. By Senator Gamble.

The CHAIRMAN. Are you a member of the third class?

Midshipman McClain. Yes, sir.

The CHAIRMAN. And are going to be a member all the year, I hope?

Midshipman McCLAIN. I think so; yes, sir.

The CHAIRMAN. You have not been dropped back as the result of the examinations?

Midshipman McCLAIN. No, sir.

The CHAIRMAN. About a year ago, last spring, in February or March, you were in the dancing class, where some disorder occurred, and Admiral Brownson happened in?

Midshipman McCLAIN. Yes, sir.

The CHAIRMAN. And by his order, under direction of the midshipman officer of the day, you were given physical exercises for a time?

Midshipman McCLAIN. Yes, sir.

The CHAIRMAN. For a week thereafter?

Midshipman McCLAIN. After drill for a week; yes, sir.

The CHAIRMAN. About an hour a day?

Midshipman McCLAIN. About an hour; yes, sir.

The CHAIRMAN. Did you consider that as a punishment for the disorder in class?

Midshipman McCLAIN. That is what I took it as. I took it as the only thing that would stop the disorder.

The CHAIRMAN. Did you hear the cadet officer make any remarks as to certain information which he conveyed to the class during the week?

Midshipman McCLAIN. In what way do you mean?

The CHAIRMAN. Did he make any remark to the effect that he would show you boys in his charge that hazing had not disappeared here entirely?

Midshipman McCLAIN. Yes, sir.

The CHAIRMAN. Did you hear it, or understand it from others?

Midshipman McCLAIN. I heard it.

The CHAIRMAN. What was it, as near as you can remember, the exact language?

Midshipman McCLAIN. I think it was, "I will show you people that hazing has not been knocked off."

The CHAIRMAN. Yes. Did he show you?

Midshipman McCLAIN. I think he did; yes, sir.

The CHAIRMAN. What were some of the exercises you had to do during the week?

Midshipman McCLAIN. That afternoon in the seamanship building we had the sixteenth exercise, the crew, the stationary run—

The CHAIRMAN. What is that?

Midshipman McCLAIN. Standing, and just moving the feet as though running.

The CHAIRMAN. Marching time?

Midshipman McCLAIN. Yes, sir. Then he would get us up and run us around the building in single file.

The CHAIRMAN. Double quick?

Midshipman McCLAIN. Yes, sir. That is about all I can remember.

The CHAIRMAN. Did you have the leaning rest some?

Midshipman McCLAIN. The leaning rest; yes, sir.

The CHAIRMAN. You mentioned the sixteenth?

Midshipman McCLAIN. The sixteenth and the crew; yes, sir.

The CHAIRMAN. Were you kept at it pretty continuously during the hour?

Midshipman McCLAIN. I do not remember him giving us rest at all.

The CHAIRMAN. You went from one to another. Were you pretty well tired out?

Midshipman McCLAIN. Yes, sir.

The CHAIRMAN. Were there any of the cadets who were too tired to perform any of the exercises or perform them properly?

Midshipman McCLAIN. I did not see anyone stop. They all kept going until the end.

The CHAIRMAN. Did not some of them receive demerits for failure to perform it according to the ideas of the officer?

Midshipman McCLAIN. He might have reported some of them for shirking. I have forgotten whether he reported them or not.

The CHAIRMAN. Some were reported and received demerits, as a matter of fact. By shirking, do you mean that they held back and did not do it properly, or did they not do them at all?

Midshipman McCLAIN. Did not do them properly, or when they were doing the sixteenth they fell over on their hands and held themselves up—overbalanced, or something like that.

The CHAIRMAN. That is all.

Mr. GREGG. You limited to that time and I noticed that the other gentleman did, too. What did you do the rest of the evenings—the same thing?

Midshipman McCLAIN. The other drills were in the armory. After we would have our regular drill we would be formed and marched to the armory, and we had the setting-up drill there. The drill never was so bad after the first day, because they were always down there in the armory. But the drill was quite hard all week long. Wednesday afternoon we had the drill from 3 until 6.

Mr. LOUD. What is the greatest number of the sixteenth you had to do at any one time?

Midshipman McCLAIN. I did not count them myself, but I heard reports among the fellows that it was 125 or 130. It ran all the way from that to 275. I don't know.

Mr. GREGG. Was it very severe exercise you were given the first evening?

Midshipman McCLAIN. Why, a man ought to be able to stand it, I should think. I do not think it would do him any harm.

Mr. GREGG. Was it severe exercise?

Midshipman McCLAIN. It was very hard work.

Mr. LOUD. Did you feel the effects of it next day?

Midshipman McCLAIN. I felt a little stiff; yes, sir.

Mr. DAWSON. On the three-hour afternoon you had were you engaged in any of the setting-up exercises that day?

Midshipman McCLAIN. We had the infantry drill, and also setting-up exercises, under arms.

Mr. DAWSON. You were kept at it three hours continuously on Wednesday?

Midshipman McCLAIN. I think the last two or three days they let us rest every once in a while for two or three minutes.

Mr. PADGETT. Did you have the same officer each afternoon or did you have the officer of the day?

Midshipman McCLAIN. We had the officer of the day who was in charge, assisted by some of the midshipmen in charge of the different floors.

Mr. PADGETT. They were cadet officers?

Midshipman McCLAIN. Yes, sir.

Mr. PADGETT. Were there any regular naval officers present?

Midshipman McCLAIN. There were sometimes officers who went around the gallery, but there were never any on the floor.

Mr. PADGETT. They would be in the gallery as spectators, looking on to see what was going on?

Midshipman McCLAIN. Yes, sir; that is, they were probably men who were attached to the ordnance department, or who were there in the Army with their classes, or had been there.

Mr. LOUD. Were some of these officers who had you in charge much more severe than others?

Midshipman McCLAIN. Some of the officers of the day at the drill?

Mr. LOUD. Yes.

Midshipman McCLAIN. Yes, sir; the first one was the worst, though.

STATEMENT OF PROF. P. R. ALGER, U. S. NAVY.

Prof. P. R. ALGER, U. S. Navy, appeared before the subcommittee.

The CHAIRMAN. Professor, how long have you been attached to the academy?

Professor ALGER. Six years, sir.

The CHAIRMAN. We have called you in without having anything special in view, except that we understood you had been here some time, and would be likely, therefore, be pretty familiar with the conditions now and during your term here. We thought it quite likely that you might have some ideas to give us that would be of value to the committee. Can you tell us if you have in mind any explanation based upon your observation as to the apparent breakdown in discipline here during the past few months? I mean especially by that the failure of the system of discipline whereby cadet officers carry out their duties in reporting violations. Is that the culmination of a system, or how do you account for it?

Professor ALGER. I think it has been a gradual growth which has accompanied the very large increase in the number of midshipmen at the Naval Academy, the change in quarters due to the construction of the new Naval Academy, and the consequent lack of the complete supervision and control by commissioned officers, which has been the custom until very recent years.

The CHAIRMAN. Yes, sir.

Professor ALGER. Last year, for example, one-half of the midshipmen were moved into the new quarters, Bancroft Hall, one wing of which was completed. The other half lived here in what is known as the old quarters, which have now been pulled down. There was one officer in charge. His office was up here. The other building, except for occasional visits from the officer in charge, for a few minutes at a time, perhaps, was under the control of the first class men.

The CHAIRMAN. Yes.

Professor ALGER. In addition to this there has been a very great increase in the number of midshipmen.

The CHAIRMAN. When did the large increase commence?

Professor ALGER. The first material increase was only about two years ago.

The CHAIRMAN. That is what I had in mind.

Professor ALGER. And last year there was a very great increase; but until, at the farthest, three years ago there were only about a third as many midshipmen here as there are now. I think the upper class men felt, with this great increase of power that was put into their hands by circumstances that they had a right, to some extent—at least many of them thought it was their duty—to manage things in their own way.

The CHAIRMAN. Yes.

Professor ALGER. They did not like making reports and having the conduct reports read out, with people put down for minor offenses and given a few demerits, and they took the law into their own hands. They determined that they would punish and discipline and brace, as they call it, the fourth class men on their own hook and in their own way. The authorities did not know anything about the extent to which this was being carried at all. Of course, it is always recognized here that a first class man has, to a certain extent, authority over the lower class men. Of course he has as a cadet officer, but even those who are not cadet officers, to a certain extent, occupy a higher position than the lower class men.

The CHAIRMAN. There is a certain amount of respect due him on account of his greater age, experience, and the knowledge he is supposed to have, at least?

Professor ALGER. Yes, sir. Until very recently I do not think the first class or even the second class has indulged in hazing or running. I think they are doing it as they have been doing it within the last six months is very largely the result of a determination on their part to take into their own hands the discipline of the fourth class. They have joined in with the third class men. The result is that we have had this condition here, which in my opinion is worse than it ever was before, of the three upper classes uniting to crush the fourth class. The fourth class has been in a state of abject slavery to the three upper classes in my opinion and as far as I have been able to observe it. This opinion I have formed as the result of what I have seen as a member of the court-martial. I have been a member of the court-martial trying hazing cases.

The CHAIRMAN. Have you also observed that a peculiar and deplorable result of this system has been that after the fourth class men have been here four or five months they become convinced in some way that it is a very good system and ought to be continued?

Professor ALGER. That is the atmosphere of the place, sir. You can not get a fourth class man to admit that he has been insulted or degraded in any way.

The CHAIRMAN. We have discovered that.

Professor ALGER. No matter what he has done. It appears to be thought that anything which an upper class man wishes to make a fourth class man do must necessarily be an old tradition or custom of the Naval Academy. The fourth class men have no way of finding out what the old customs are. As a member of the court I listened with astonishment to the statement of the things which fourth class men did on the ground that they knew or had heard that these were old customs, which they were not.

The CHAIRMAN. Others had done it before them?

Professor ALGER. Yes, sir; I think fagging is entirely a growth of the last two years.

The CHAIRMAN. Two years?

Professor ALGER. I never heard of such a thing until the court-martial brought it out, and I have made personal inquiry of members of the first class whom I knew well—one in particular whom I had great confidence in and knew well—and he told me that it only began, to his knowledge, two years ago.

The CHAIRMAN. These other humiliating practices, like sending them under the table to eat their dinner—how long do you think exercises of that kind have prevailed here, or practices of that kind?

Professor ALGER. I never heard of such a thing until it was brought out in this court.

The CHAIRMAN. This present investigation?

Professor ALGER. Yes, sir.

The CHAIRMAN. It is evident then that the system is rapidly spreading and improving?

Professor ALGER. It was, sir. I think it has been stopped now.

The CHAIRMAN. You think a considerable part, then, of the breakdown of discipline is due to the confusion attending rebuilding here, the very large increase in the number of midshipmen, and the failure to make such changes in the discipline as would meet the changed conditions?

Professor ALGER. I do; yes, sir. I will say, however, that there have been great difficulties in the way of meeting them, on account of the scarcity of officers.

The CHAIRMAN. I did not use the word failure in the sense of criticism, but inability on account of circumstances to earlier have made a change in the system.

Professor ALGER. Yes, sir.

The CHAIRMAN. As I understand it, before the present year, about ten officers were on the disciplinary force, no one of them being assigned entirely to that force, but having it as a part of their duties about every tenth day.

Professor ALGER. Yes, sir.

The CHAIRMAN. Of those ten officers one would go to Bancroft Hall on duty for twenty-four hours, and then go about his other duties?

Professor ALGER. Yes, sir.

The CHAIRMAN. While he was on duty the other man would be attending to various other duties?

Professor ALGER. Yes, sir; recitations, etc.

The CHAIRMAN. We understand that is now entirely changed, and that four officers are assigned for these disciplinary purposes and have no other duties to attend to?

Professor ALGER. Yes, sir.

The CHAIRMAN. That the brigade is divided into sections, and one of these officers has charge of a section, thereby being able to come into close touch with the cadets and exercise close surveillance over them?

Professor ALGER. Yes, sir.

The CHAIRMAN. We understand the board of investigation is to be continued; that is, it is not to be dissolved, but is to be kept as an instrument to be used at irregular intervals to find out what may

escape the attention of the disciplinary officers. Those are changes which are believed to be important changes.

Professor ALGER. So I understand; yes, sir.

The CHAIRMAN. With your experience here is it your opinion that these new forms of discipline, with your investigating force, are sufficient to suppress and keep out these practices that are called hazing? That is, except possibly sporadic cases occasionally?

Professor ALGER. I think they will be, sir, if hazing is not again encouraged by——

The CHAIRMAN. Congressional action?

Professor ALGER. Congressional action or action on the part of some higher authority.

The CHAIRMAN. You say that this breakdown in the discipline whereby the cadet officers have failed to report offenses is due in some degree to the confusion that existed, whereby without fault perhaps of anybody where we can put our finger on it and say who is to blame, this system has come into force. It has prevailed, you may say, in the whole school to a greater or less extent. Almost every student in the upper classes, under the definition now given of hazing, could be accused, and perhaps found guilty of hazing; though, in some cases, perhaps, in a very slight degree. In view of the way in which it has come into existence and of the lack of supervision which prevailed during these changes, do you think it would be as well to inflict upon the whole body of midshipmen guilty of hazing in even the slightest degree the extreme penalty of expulsion from the academy?

Professor ALGER. If I were regardful of the individual I should say that I would not dismiss anybody for past offenses of hazing, but I think, considering only the good of the Naval Academy and its future, I should dismiss any midshipman against whom there was clear proof of having hazed.

The CHAIRMAN. In any degree?

Professor ALGER. Well, if I had the power, as the superintendent has under the present law, of preferring charges, I should use some little discretion, of course.

The CHAIRMAN. You mean you would use discretion as to the cases you brought before the court-martial?

Professor ALGER. I should use some little discretion as to the cases I brought, but where there were clear cases, which could be proven by good evidence, of an upper class man taking into his hands the power of punishing or disciplining a lower class man, I should court-martial him and dismiss him.

The CHAIRMAN. Do you not think it would be a better plan if, instead of leaving it to the superintendent to fix the exact line under which he would not bring them before a court-martial, and over which he would—one of which meant no punishment and the other of which meant dismissal from the academy—he could bring them before a court-martial having power to inflict punishment from dismissal from the academy down to ten demerits or fifteen demerits, depending upon the seriousness of the offense?

Professor ALGER. Well, sir, to my mind, the offense of hazing is not so much what is done as the assumption of authority to do what the person hazing wills. When the upper class man goes to the lower class man and by intimidation—and that is the fundamental thing in

hazing, intimidation—compels the fourth class man to do his will, the mere fact that he is a decent fellow and does not compel the fourth class man to do anything degrading, or is not cruel to him, is not material. The effect is that he sets himself up as the judge to say what that fourth class man shall do, and he enforces that by the immense power of the public sentiment, and, if necessary, by physical power, of the three upper classes. It is backed, further than that, often by a sentiment even in the lower class, that the man who does not yield is not fit to be one of them. Now, looking at it from that point of view, it would not be well, it seems to me, to say that mild hazing shall only be punished by some trivial punishment; severe hazing shall be punished by dismissal. You would find that it would be very difficult—indeed, it would be almost impossible—to prove by the testimony of midshipmen any case of cruelty. The man who had been hazed would deny that he was injured, as a general rule.

The CHAIRMAN. What becomes of your board of investigation, which is to be continued as a permanent body? You had no difficulty in developing all that in the last board?

Professor ALGER. I am not familiar with the actual results of that. I have never read their record. I do not know how freely the fourth class talked before them. Before the court they were extremely difficult witnesses.

The CHAIRMAN. I will say that the committee has read the testimony, and so far as we can judge, after they once commenced to testify they testified, apparently, with the utmost freedom and minuteness.

Professor ALGER. What I meant to say, sir, in reply to your question was this: I fear that any enactment of law to the effect that certain forms of hazing shall not be punished by the severe penalty of dismissal will imply and be held by the midshipmen to mean that Congress approves of the milder forms of hazing, or, at least, does not disapprove of them. The law which makes it mandatory to dismiss summarily for any acts of hazing, however trivial, applies now at West Point. I have not heard or seen anything to indicate that the authorities at West Point or the Secretary of War desire to have it modified there. I understand they have put it down by means of that law at West Point.

The CHAIRMAN. Pardon me right there. If it was the law that put it down, why did not the law apply equally here?

Professor ALGER. It was put down by that law after an investigation by a committee of Congress into the whole thing that brought it out in such a way as to make it so obnoxious in every way that I think it had a great effect upon the cadets—that in addition to the law, perhaps.

The CHAIRMAN. Entirely new machinery was adopted there, and the number of cadets having increased, and they having had confusion with new buildings, while they were scattered around, they kept that board of investigation constantly in existence, calling them in and putting them under oath at irregular intervals, and making them swear as to whether there had been infractions.

Professor ALGER. I understand that has been the case.

The CHAIRMAN. That system, as it has developed through the epi-

demic of hazing there five years ago, has resulted in keeping it out as far as any public knowledge is concerned.

Professor ALGER. Together with the law and regulations. They define hazing in their regulations. They have a definition of hazing, which is made to cover, apparently, the most trivial things, and the regulations say that a cadet who has been guilty of any of those things shall be summarily dismissed.

The CHAIRMAN. Yes.

Professor ALGER. They have not, as far as I know, found it necessary to apply it at all. The same law applies here. The mere fact that the law of 1874 existed when the law of 1903 was passed has made it necessary, in accordance with the decision of the Attorney-General, to use the machinery of a court-martial to prove guilt. The law of 1903 governs, merely with the addition that you must prove guilt by court-martial under the act of 1874. The law of 1903 is the same law that applies to West Point.

The CHAIRMAN. Does it not occur to you that the infliction of a punishment so severe in its nature as dismissing a midshipman from the academy and ruining his career is contrary to the whole statute law of the English-speaking race, outside of military schools? I mean by that, if we should make stealing apples off of a street stand punishable by imprisonment for life, stealing apples would go practically without punishment, because nobody could be found who would inflict the punishment. That is, there must be in the mind a sense of justice between the offense and the penalty required for it. Under your definition a boy who brings an apple from the mess room to an upper class man is guilty of hazing.

Professor ALGER. No, sir; I beg your pardon. I should never hold that. I do not think anybody would dream of holding that.

The CHAIRMAN. How much would he have to bring up before it became hazing?

Professor ALGER. To be hazing, it requires intimidation. Every one of these fourth class men, on being questioned, admitted that he would have feared unpleasant consequences if he had refused.

The CHAIRMAN. You were on the Decatur court-martial?

Professor ALGER. Yes, sir.

The CHAIRMAN. There one of the offenses charged under hazing was that he required under class men to bring meals to him.

Professor ALGER. Yes, sir.

The CHAIRMAN. That is hazing?

Professor ALGER. Under the circumstances. If his roommate brought him breakfast when he was absent nobody would dream of calling it hazing; but these fourth class men admitted under oath, when pressed, that they would have feared serious consequences if they had not done so. There is what the hazing was. It was compelling him to do these things.

The CHAIRMAN. And the amount of food he brought up was not material?

Professor ALGER. No, sir; it was compelling him to do his will.

The CHAIRMAN. Then, to go back to my question, if an upper class man requires an under class man to bring an apple up to him from the mess table, that is hazing?

Professor ALGER. If he compels him to do it.

The CHAIRMAN. Or requests him. The under class man under-

stands that behind that request is the whole system of hazing, ending in a class fight?

Professor ALGER. Yes, sir.

The CHAIRMAN. That is hazing—bringing an apple up to an upper class man?

Professor ALGER. Under those circumstances.

The CHAIRMAN. Does it not seem rather repugnant to the sense of justice that that offense should be punished by dismissal from the academy, with the public disgrace which goes with it, and the ruination of a young man's career?

Professor ALGER. Not if you wish to put down hazing at the Naval Academy, in my opinion. If you want to stop hazing and cut it out, root and branch, I think the way to do it is to punish by summary dismissal anybody who is guilty of it.

The CHAIRMAN. Would not 50 demerits for that—a third of the total number the upper class men are entitled to—carry with it a sufficient reminder to him that he was doing an improper thing?

Professor ALGER. Of course, I am only giving my personal opinion.

The CHAIRMAN. That is what I am inquiring about, and I am taking the other side for the purpose of developing your opinion and finding the reason for it.

Professor ALGER. The reason is simply this, that I regard the crime of hazing as consisting of an upper class man making a lower class man do his will by intimidation. I think if an upper class man can compel a lower class man to bring him an apple by intimidation, by the power of the system, that the only limit to the extent to which he can go without being found out is the limit which he puts himself. Then, in a very large body of midshipmen, there are a certain number who have neither discretion nor other desirable qualities.

The CHAIRMAN. That is the danger of the system. If the upper class men would confine their hazing to requiring lower class men to bring apples up to them, do you think we would ever have had a special act of Congress in relation to it?

Professor ALGER. I think not.

The CHAIRMAN. Then, the word hazing brings up to our minds the extreme to which it is carried—not the bringing up of the apple, but the system as a whole, and the cruelties and humiliations that are practiced under it.

Professor ALGER. Those cruelties and humiliations very often occur where, on the face of it, if you merely listen to the statement of it, which would be made by the two midshipmen concerned, you would never see it.

The CHAIRMAN. Yes.

Professor ALGER. There is a moral humiliation and cruelty which comes to some, not to all. To a great many boys it is mere fun; but there is a certain percentage to whom it is a very cruel business, and I think it ought not to be permitted.

The CHAIRMAN. I think you are entirely right.

Professor ALGER. I very much hope, for my own part, that the law will remain.

The CHAIRMAN. It is a very serious question, however, whether the very seriousness of the penalty imposed in the cases of what would be admitted to be slight infractions would not, in a measure, at least, defeat the very object of the law. Everyone, to some

extent, would feel unwilling, upon seeing some slight infraction, although it would come under the definition, knowing that there was no meanness or cruelty in it, to make the report that sets in motion the wheels which mean the expulsion of that young man from the academy.

Professor ALGER. Yes, sir.

The CHAIRMAN. Whereas, if it was a matter which was an offense for which 25 or 50 demerits, if you please, could be charged up against him it would be reported without hesitation, and the penalty inflicted.

Professor ALGER. The difficulty is, sir, under those circumstances, that when you endeavor to inflict the penalty of dismissal you would find it impossible to do it. The influence brought to bear would prevent it. I notice in the debate in the Senate on the passage of this hazing bill a number of Senators, one after another, defended a midshipman who had been dismissed by court-martial recently for hazing. Mr. Coffin, who was the first person brought before the court, who stood Mr. Kimbrough on his head until he very nearly died as a result, and who drenched him with water to bring him to when he fainted, was described on the floor of the Senate as having done nothing but engage in a mere boyish affair of no account; that he was a good boy, and all that. Exactly that would occur. You could not find anything which could be done by a midshipman which, when properly represented to the reviewing authorities, could not be shown to have been but a mere boyish prank.

The CHAIRMAN. Are you not dismissing, more or less, in the academy at the present time for being above the maximum of demerits, in connection, perhaps, also with deficiency of studies?

Professor ALGER. Well, I do not know whether we are dismissing them or not. There are a number of midshipmen who are over their demerits, and the academic board has recommended the dismissal of three of them who are considerably over the number of their demerits, but the Department has not acted on it as yet. The Department in the past has held that the action of the superintendent or of the academic board in such cases was subject entirely to review, and in past years repeatedly their action has been overruled. I do not know whether it will be in this case or not.

The CHAIRMAN. Do you not think that Congressional interference, which is always a serious matter in the discipline of a school like this, is more likely to be prevalent if such severe punishment is inflicted for what would be considered very small infractions of the rules? As an explanation of this, I will cite you the case of the three young men who were dismissed here in the winter of 1904, I think.

Professor ALGER. And who were afterwards put back?

The CHAIRMAN. Who were afterwards let into the service. They were never put back here.

Professor ALGER. Yes, sir; put back into the service.

The CHAIRMAN. It may throw some light on the situation to tell you how I voted then, without knowing anything about the discipline here especially. If I remember aright these young men were cadet officers. Some fruit or something was taken from the table by other class men, and they gave to these other class men who took the fruit the choice of being reported or submitting to some exercises at the direction of the cadet officers. The young men, of course, said they would perform the exercises. They did not amount to anything.

There was no severity about them; just an ordinary case. These cadet officers were dismissed. I remember at that time feeling, as most of the people felt, pretty fierce against the hazing system. Application was later made to Congress not to send them back here. Even Congress recognized that that would not do for discipline, but that they should suffer the punishment of being put down a great many numbers and by passing the examination prepared by the Secretary of the Navy they might be appointed into the service. The young men came up there—three pretty clear-eyed fine-looking boys. I remember going out into the corridor and seeing the three boys standing up there in a row, and I asked them what they had been up to down here. They told me in very direct, frank language, concealing nothing, extenuating nothing—just a plain statement of the case. I think I lost sight of the effect that it might have on the discipline of this academy. It seemed to me that the offense committee, while deserving of punishment, did not deserve such severe punishment as the disgraceful dismissal from the academy and the ruin of their careers, and I later voted that they should be permitted to enter the service without coming back to the academy, thinking that that might be perhaps sufficient punishment. I have had very grave doubts many times since if it was not a mistake. I am satisfied it was a mistake in view of the fact that that was the law, but I never have been satisfied that so severe a law as that should stand on the statute books for that offense. But, inasmuch as it was the law and stood there, I am satisfied I made a mistake in voting, considering its effects upon the discipline of the academy, to let them in on any terms.

Professor ALGER. That seems to me, sir, what the trouble would be in changing the law at the present time.

The CHAIRMAN. If Congress, however, has passed in a fit of passion a law which does not stand examination after the passion is over, and which ought not to stand permanently on our statute books, and if we are convinced of that, then I do not think all these boys under these changing conditions of confusion and enlargement which have existed ought, perhaps, to be thrown out for that reason. I think all of them ought to be punished.

Professor ALGER. The superintendent of the Naval Academy presented to the committee in Washington, during his visit there some weeks ago, a measure which he drew up.

The CHAIRMAN. I remember it.

Professor ALGER. Which provided that in his discretion and with the approval of the Secretary of the Navy he might dismiss anybody whom, after due investigation, he found to be guilty of hazing or countenancing hazing, or any other conduct of such a nature as to make his continued presence at the Naval Academy an injury to the academy and the service. If such a measure as that were passed it would do exactly what you say, but would it not make it more difficult?

The CHAIRMAN. I understand the measure which has passed the Senate—I have not seen it, but my understanding of it is that less punishments may be inflicted by the superintendent, of course subject to review by the Secretary of the Navy, but that if charges are made calling for dismissal then a court-martial must be called, or the

cadet shall have the right to demand a court-martial if he is charged with an offense requiring dismissal.

Professor ALGER. Yes; he shall have the right to require it.

The CHAIRMAN. That may be a mistake. You know legislation in Congress is usually a series of compromises.

Professor ALGER. Yes, sir.

The CHAIRMAN. Is there anything else you have to suggest which you think it would be to the advantage of the committee to know?

Professor ALGER. No, sir; I have nothing to suggest.

The CHAIRMAN. Do any of you other gentlemen desire to question Professor Alger?

Mr. GREGG. I would like to ask this: In your opinion, what, if any, effect would the passage of a law grading the offenses have upon the discipline of the academy?

Professor ALGER. I think it would be regarded as a measure to make the lighter forms of hazing permissible.

Mr. GREGG. It would be so regarded by the midshipmen?

Professor ALGER. I do not see how it could be regarded as anything else.

Mr. GREGG. Upon what reason do you base that opinion?

Professor ALGER. Only upon my own mind.

Mr. GREGG. Nothing from what you have heard from the midshipmen, or anything of that kind?

Professor ALGER. No; I have not talked with the midshipmen about it. I have talked with other officers about it, of course.

Mr. GREGG. In other words, your opinion is that that would be the proper construction to put on that kind of legislation?

Professor ALGER. No; I do not for a moment think Congress, if they passed it, would mean that. I think it would be a sufficiently plausible interpretation to put on it for the boys to justify themselves in adopting it.

Mr. DAWSON. But if the milder forms of hazing were punished by the demerit system, would not persistence in the practice ultimately carry them out on account of their conduct record?

Professor ALGER. Except under a mandatory law, such as the present one, you can not dismiss anybody from the Naval Academy by the action of the authorities here; and whether you can dismiss them at all depends altogether upon how much influence in one way or another they can bring to bear. When I was a midshipman here, a good many years ago, I knew of cases in my own class—I knew of one particular case—where a midshipman told the superintendent of the Naval Academy that he might dismiss him, but he would be back there next week, and he was. I do not know that it is quite as bad now; but the law of 1874 was passed to prevent that.

Mr. DAWSON. But I suppose midshipmen are frequently carried out of the academy on account of deficiency in their conduct?

Professor ALGER. Very, very seldom.

Mr. DAWSON. Is that so?

Professor ALGER. Midshipmen have been dismissed for specific acts of misconduct. I think ever since the founding of the Naval Academy it has been regarded as within the province of the superintendent, with the approval of the Secretary of the Navy, to dismiss for bad conduct; but it is questioned now whether that is legal, and a case is pending in the Supreme Court of the United States, I believe, which will decide whether it is or not. There is only one thing now

under the law for hazing. If you are found guilty of hazing by court-martial, you must be dismissed under the law. The law also says that if an individual is found deficient in his studies at examinations—that means at the middle or end of the year—he shall not stay here, unless the academic board recommends it. That is the only way, really, that people go out, except in very rare instances, by being found deficient in studies.

Mr. LOUD. Previous to Mr. Brownson's leaving here there was a pledge given to him by the several upper classes, was there not, that they would abstain from hazing?

Professor ALGER. I think the two upper classes—I am not sure whether it was or not—no, not the two, that is quite wrong. Captain Brownson took it for granted that the first class men would not haze. He did not believe they would, and he paid no attention to them. The third class, however, and I think the second, but I am sure of the third, pledged themselves not to haze.

Mr. LOUD. There was a tacit understanding, was there not, that that referred only to physical hazing?

Professor ALGER. The midshipmen so interpreted it. I do not think either the superintendent or the commandant thought of any such thing. I am sure they did not.

Mr. LOUD. Then you believe that the naval officers here understood that it referred to all classes of hazing, while the cadets held that it was only pertaining to physical hazing?

Professor ALGER. There was this practice, which will explain what the condition was. They have had at the Naval Academy for many years what are known as "rates." A fourth class man does not rate anything. A third class man rates to do certain things, and so on. When the lower classes agreed with Admiral Brownson that they would stop hazing they brought up the question with the commandant and superintendent, "How about rates?" and the superintendent told them that he was willing the first class should establish such rates as they saw fit, provided the rates were of such a nature that the lower classes made no objection to them, and that there was nothing which ought not to be about them, but that if the lower class men refused there should be no compulsion of any sort. He thought that the rates then meant such things as that the fourth class men should not go to hops, should not walk in lover's lane over here, and so on, that in turning corners they should turn sharply, and such things. I do not think he had any idea that anything which was not a physical act should be allowed in the way of running, and that only physical exercises should be dropped out.

Mr. LOUD. It was not known to him and the disciplinary officers, then, at that time, that the rates were enforced by a compulsory class fight?

Professor ALGER. I do not think the midshipmen played fair with Captain Brownson and the commandant. That is my honest opinion.

Mr. LOUD. That is only leading up to another thought, and that is this. When Admiral Brownson left here he withdrew the pledge, as I understand it. He absolved them or released them from their pledge?

Professor ALGER. I do not know whether that is true or not. I have heard it stated; but on the other hand if I am not very much mistaken Admiral Sands told me that he had informed the midshipmen, or allowed them to be informed, that he did not regard any

pledges as binding on them which they had made; that the one pledge which he regarded as binding was the oath which they took when they entered the academy, and no others. I have thought that the two things might be mixed. I am very sure that is true, that Admiral Sands took the ground that he did not want these pledges, which the midshipmen had made to his predecessor.

Mr. LOUD. That is what I wanted to get at.

Professor ALGER. Whether Captain Brownson also took the view that those pledges should be abrogated I would not say. I do not know. I have heard that he did.

The CHAIRMAN. That is something that the Professor does not know about, and we have evidence on that. It is only a matter of hearsay with him, and we have the direct evidence of Admiral Sands on that matter.

Mr. LOUD. I was only leading up to this, that that pledge being withdrawn, would it not necessarily be expected by the officers here that hazing would then need to be looked out for more sharply and with more vigor than when the pledge was in force?

Professor ALGER. Well, I do not know that anything about this was known. It is only within the last month or two that I have heard these things.

Mr. LOUD. It is upon the principle of a teacher having the pupils of his school give him a promise not to snowball, and then saying "I withdraw the promise." You would know that immediately the snowballs were going to fly.

Professor ALGER. Of course the officers at the Naval Academy are not in a position to see or know anything about that. I have seen, for example, this business of the fourth class men walking along and turning a straight corner like this [indicating]. I have been told that that is one of the rates, and that fourth class men had to do that; but it never occurred to me that I must go to the superintendent and say: "This is a form of hazing and you ought to do something about it." I suppose the discipline officers did their best to find out if there was any hazing going on.

The CHAIRMAN. Of course, if you see them doing that, the next question would be whether they were doing it voluntarily, as I understand they have been recently, or whether it was a part of the system, with compulsion behind it.

Professor ALGER. Yes.

Mr. PADGETT. In relation to the ten officers who were here before in the discipline department, one being on duty in the hall or in discipline every ten days, did he also on that tenth day look after the duties of his instruction and teaching, etc., in connection with discipline or did he leave that out and devote his attention altogether to the discipline?

Professor ALGER. I think that has been different at different times. The practice was for the officers attached to the department of ordnance and seamanship—those two departments—to take turns being officer in charge, and at times, when they have been short-handed, I think that officer has also had to attend to his instruction and drills. At other times when there have been more officers they have not had to.

Mr. PADGETT. Immediately before the institution of the present method of four discipline officers, when you had the ten, did each of those ten, when his day came to be in charge, also attend to his other

duties that he did during the nine days when he was not directly in charge?

Professor ALGER. I am not certain. I think, however, that it was arranged that the officer on duty as officer in charge should not have to go into the section room and teach, but that he probably did take his drill if it happened to fall on this day. Certain officers have certain drills.

Mr. GREGG. Are they all going on at the same time?

Professor ALGER. Yes, sir.

Mr. GREGG. So there would be nobody in the building at that time, anyway?

Professor ALGER. Nobody in the building, except on the sick list.

Mr. PADGETT. If I understand you, your position with reference to the modification of the law of hazing resolves itself into substantially this: That if there is a graded punishment from dismissal down, influences will be brought to bear that will prevent the execution of the dismissal, and force always a lower penalty.

Professor ALGER. I think that will be the undoubted result.

Mr. PADGETT. Now I will ask you if in this present year before this matter developed, or in the past academic year, you know of any instance or have any reasonable grounds to believe that the officers of the institution knew of hazing being practiced and failed or neglected to report it.

Professor ALGER. I know of no such instance.

Mr. PADGETT. You know of no circumstances that should have put them on inquiry to ascertain that?

Professor ALGER. Nothing, except what I have just stated about seeing certain things in the open air.

Mr. PADGETT. I am not speaking about rates, but hazing. Rates are entirely separate from hazing. You know of nothing with reference to hazing?

Professor ALGER. I know of nothing.

ADDITIONAL STATEMENT OF LIEUT. RAYMOND STONE, U. S. NAVY.

Lieut. RAYMOND STONE, U. S. Navy, appeared before the subcommittee.

The CHAIRMAN. Lieutenant, the first court-martial that was convened here—and I take it this within your knowledge—adjourned on account of their inability to get testimony from the fourth class men, or any class men that came before them. Is that right?

Lieutenant STONE. Not that I know of, sir. Do you mean the first board of investigation?

The CHAIRMAN. The first board of investigation is what I mean.

Lieutenant STONE. I do not think that is exactly correct. My impression is that previous to the authorizations to administer oaths, which had to come from the Secretary of the Navy, the first board of investigation got very meager testimony, and as I have understood from Admiral Sands, and as I think he stated to the committee, he adjourned that board and immediately reappointed the same members with the addition of a recorder who had the power from the Secretary of the Navy to administer oaths.

The CHAIRMAN. That is practically the same thing. They were able to get so little results that they adjourned and had to procure an order from the Secretary of the Navy to administer oaths.

Lieutenant STONE. Yes, sir.

The CHAIRMAN. What was the date of the convening of the first board?

Lieutenant STONE. December 12, I think, sir.

The CHAIRMAN. And they adjourned for how many days before the next one commenced to take testimony?

Lieutenant STONE. The next one commenced on December 14, Thursday. I think I was notified on the day between and was appointed recorder.

The CHAIRMAN. Lieutenant, have you the figures which you can give us that will show the dimensions of Bancroft Hall?

Lieutenant STONE. As to the interior dimensions?

The CHAIRMAN. Yes, sir.

Lieutenant STONE. Yes, sir; very closely.

The CHAIRMAN. Can you tell us what the size of the mess room is?

Lieutenant STONE. Yes, sir.

The CHAIRMAN. Give us the figures, please.

Lieutenant STONE. The mess room is a rectangle, approximately 375 feet long and approximately 75 feet wide. I take that from a blueprint sketch, which may be somewhat shrunken, and the figures are not necessarily exact, but are closely approximate.

The CHAIRMAN. Give us the other figures of the dimensions you have there. Give us the dimensions of the corridors. I think those are all we want, the corridors and mess room. We do not care about the kitchen or any of those things.

Lieutenant STONE. The midshipmen are quartered on five floors, each one of which is practically a counterpart of the other. The ground plan is in the form of a double L, with a long corridor running down the stem of the L, but broken in the middle where the central dome occurs. These two ends of the long corridor are each about 256 feet long and about 16 feet wide. In each arm of the L, which is almost a square, there is a central, square court open to the sky, and around this court are the rooms of the midshipmen, some having exposures to the court and some externally. Between the sets of rooms are other smaller corridors, which are about a hundred feet each in length. The total number of rooms for the occupancy of cadets is in the neighborhood of 500. Here is a blueprint which shows it clearly. I want to say, in addition to that, that in each wing there are three staircases the full height of the building, one of which is a spiral staircase. Each room is about 16 feet square, though some of them are double rooms with alcoves—differently arranged. To walk through the whole building, lightly inspecting each room, requires between one hour and one hour and a half. That is actually required of the officers in charge, to inspect the entire building.

Mr. GREGG. For one man to do it?

Lieutenant STONE. Yes. That does not include the inspection of the basement or any of the accessory storerooms.

Mr. DAWSON. What is the total length of corridors in Bancroft Hall?

Lieutenant STONE. On the floors occupied by the midshipmen, I should say slightly over a mile and a quarter. That does not include the basement passages. That is only on the floors occupied by the midshipmen.

The subcommittee, at 4 o'clock p. m., adjourned.

Mr. VREELAND, from the subcommittee of the Naval Committee of the House of Representatives, makes the following unanimous

REPORT.

Your committee acted under the following resolution:

Resolved, That a subcommittee of five be appointed by the chairman to visit the Naval Academy at once to examine and report upon the discipline and management of the academy, especially as they relate to hazing, and to report to this committee at the earliest practicable time.

Your committee went to the Naval Academy, at Annapolis, to commence the investigation on February 13. Previous to our arrival the Secretary of the Navy had issued orders to the superintendent of the academy, Rear-Admiral Sands, that he should order before the committee any officer or instructor attached to the academy or any midshipman whom the committee desired to hear. As the officers appeared before the committee in the line of their duty they were not put under oath. The oath was administered to all of the midshipmen, however, under authority of act of Congress of June 26, 1884.

Your committee desires to acknowledge the entire willingness of the officers attached to the academy to assist in every way possible the desires of the committee in obtaining information. Your committee desires also to commend the full, frank, and apparently truthful answers given to all interrogatories by the midshipmen.

Your committee first read the testimony taken by the board of investigation assembled by Admiral Sands on December 12. This board consisted of three of the disciplinary officers of the academy. Their sittings as a board continued through seven weeks. This testimony was taken under oath. One hundred and twenty-nine midshipmen were called before the board. The testimony covers about 600 pages. Your committee also read the evidence taken in eleven courts-martial held for the trial of midshipmen accused of hazing. Your committee has used the information obtained from these sources and has thereby saved many weeks of time and the disturbance of the school which would result if several hundred midshipmen were called before the committee.

Prepared with the information obtained from these sources, your committee called a sufficient number of the officers of the academy and of the midshipmen to obtain such further information as it desired.

Your committee made every effort to obtain evidence tending to show connivance at hazing on the part of the officers, lack of vigilance in detecting it, or remissness in suppressing it.

Admiral Sands came to the academy as superintendent in July, 1905. Captain Colvocoresses, commandant of midshipmen, came at about the same time. Nearly all of the disciplinary officers were new to their duties.

Upon the return of the upper class men from the practice cruise about the 1st of September, 1905, hazing broke out and continued in an increasing degree until about December 12, when it culminated in the brutal hazing of young Kimbrough to such an extent that he nearly lost his life. The testimony taken before the board of investigation shows that 60 midshipmen of the first class, 90 of the second class, and 131 of the third class, a total of 281 midshipmen, were implicated in hazing. Your committee is of the opinion that nearly all of the upper class men were guilty of hazing in some form and in some degree. The enforcement of the present laws, therefore, under the construction given to them by the Attorney-General would result in expulsion by court-martial of nearly all of the upper class men at the academy. While some might escape on account of lack of proof, nearly all are guilty in some degree.

Until the Kimbrough case brought it to light all this hazing went on without discovery by the disciplinary officers of the academy. The cadet officers entirely neglected to perform their duty to report these violations of the law and the regulations of the academy, and even took part in hazing themselves. It is not to be inferred, however, that this failure of discipline came about suddenly. Until the Kimbrough case the affairs of the academy, on the surface, seemed to be moving along quietly and peacefully.

The last annual report of Admiral Brownson, who immediately preceded Admiral Sands, stated that not a case of hazing had occurred during the year, but it is the opinion of your committee that hazing, as defined by the Attorney-General, prevailed to nearly or quite the extent during Admiral Brownson's administration that it did during the fall months of 1905. The only difference is that physical hazing prevailed during the closing months of 1905, while during the preceding two years hazing, not including physical exercises, but of a character more demoralizing, prevailed. At this point your committee desires to name and describe the different practices which prevailed under the name of hazing, running, fagging, and rates, all of which, however, fall within the Attorney-General's definition of hazing.

The system of hazing has for its object a double purpose, first, as a punishment for the violation of "rates," and, second, to establish the authority of upper class men over fourth class men. Under the latter division were practices ostensibly for the improvement of the fourth class men and others evidently designed for the amusement and gratification of the upper class men to the annoyance and humiliation of the fourth class men.

This system of hazing embraces four distinct classes: First, physical hazing; second, fagging; third, running, and fourth, rates. To enable the committee to understand the nature and character of these practices imposed by upper class men upon fourth class men a number of the things in each class is described below.

PHYSICAL HAZING.

The sixteenth.—This exercise is performed by the fourth class man standing erect with heels together and hands on hips, dropping down to a sitting posture, rising to an erect position, and continuing this movement for the number of times required.

The fifteenth.—This is the same as the sixteenth except the arms are extended and a dictionary, dumb-bell, or other weight held in each hand.

Hanging on locker.—This consists in hanging by the hands from the top of the locker (the midshipman's wardrobe), with back to the locker and legs held horizontally at an angle of 90° from the body.

Leaning rest.—This consists in placing one's body face down with his hands and toes on the floor, holding the body straight, lowering it until the abdomen touches the floor, and raising it again. This is continued for a specified number of times.

Double hypotenuse.—This is similar to the leaning rest, except the hands are placed on the window sill and the feet on the top of a table of similar height.

Standing on head.—This consists of placing the hands and the forehead on the floor, raising the feet from 1 to 3 feet from the floor, and lowering them again. In one case a fourth class man was required to continue this exercise until he became unconscious.

Doing the crew.—This is performed by lying flat on the back and raising the legs to a perpendicular position; first the right leg, then the left, and then both together. While doing this exercise the victim is not permitted to touch his heels to the floor.

Sitting on infinity.—This consists in removing the chair from underneath a fourth class man while he is eating his meals and requiring him to maintain a sitting posture after the chair has been removed.

Some of the other forms of physical hazing are designated as the admiral's salute, rabbit dance, etc. All of them are of a character which produces muscular weariness and exhaustion if persisted in.

FAGGING.

The system of fagging in force at the Naval Academy during the past few years seems to have been borrowed from the old custom practiced in English schools and universities. It is a recent innovation at the Naval Academy, having grown up during the last few years.

In the opinion of your committee, some of the features of this fagging system are even more reprehensible than physical hazing. Under this system it is disclosed that fourth class men are often humiliated by upper class men by being required to perform menial services.

Much of this fagging has been of a character which fourth class men will not admit was humiliating to them. Following are some of the things of this character which fourth class men were required to perform for upper class men:

Wake him in the morning at a set time.

Close and open his windows at certain hours.

Call at a fixed time and wind his watch or clock.

Report in full uniform before breakfast to close a window.

These various services were required for weeks at a time, and the manner of their performance was varied to suit the whim of the upper class man. One upper class man had a squad of fourth class men to awaken him in the morning, each member of the squad simulating some barnyard fowl—rooster, turkey, guinea, etc.

This practice of fagging was carried to the extent of requiring fourth class men to carry meals from the mess hall to the upper class men's rooms, to mark and handle their soiled linen, and perform other services of similar kind.

RUNNING.

The practice of running is one which has been in vogue at the academy for many years, although in recent years it has been extended and amplified in ways which are not creditable. Under this system fourth class men are called upon to perform a variety of acts for the amusement of upper class men. They are required to tell stories, sing songs, and engage in ludicrous performances of various kinds. A squad of half a dozen fourth class men were compelled to report to an upper class man's room and there give a realistic performance of sunrise on the farm.

It is shown in the evidence taken before the board of investigation that this running occasionally took the disgraceful form of requiring fourth class men to tell obscene stories or to sing obscene songs, and in a few instances other obscene and disgraceful acts were required. The testimony shows that generally when objection was made to any of this the requirements were not insisted upon.

Some of the practices under the head of running were professedly for the improvement of the fourth class men. For instance, to improve the bearing of fourth class men the upper class men required them to sit on the edge of the chair while eating their meals, and to improve their table manners they were forbidden to touch their hands to the table. As punishment for violation of this code, established and maintained by the upper class men, midshipmen of the fourth class were frequently humiliated by being sent under the table at meals, and, in a very few instances, had to eat parts of their meal there.

THE CODE OF "RATES."

The midshipmen of the three upper classes have established a complete code of unauthorized laws setting forth their relations with fourth class men and defining the various privileges or "rates" of each class. This code is largely unwritten, although the first class selects a rate committee which formulates a written schedule of rates for each of the lower classes. This written code embraces such things as the kind of boats which the different class men may use in practice, fixing the days when each class shall visit the academy barber shop, etc. These rules, on the whole, are in themselves not harmful, but they are unauthorized by the officers of the academy.

Under the midshipmen's code of unwritten laws the fourth class man is treated as an inferior person. He may not speak socially to any upper class man except to his "spoon." It should be explained that a "spoon" is an upper class man who takes a friendly interest in some

fourth class man because of their acquaintance before entering the academy or by reason of their having come from the same district or State. When the fourth class man speaks to an upper class man on business he addresses him as "sir." There is a penalty attached for even looking at the upper class men. The fourth class man is expected to conduct himself toward an upper class man in all respects as he would toward a naval officer.

Under the unwritten code of rates, the privileges of the three upper classes are graded according to rank; the fourth class man has no privileges—he does not "rate" anything. The fourth class man is prohibited from walking on certain paths in the academy grounds, he must turn square corners and not cut the corners, he must not swing his arms while walking, he can only enter Bancroft Hall through certain doors, and when inside of the building he must keep close to the wall in passing through the corridors or going up and down the stairs. Upon entering the academy the fourth class man, or "plebe" as he is more commonly designated, is promptly informed by the upper class men of these rates, and any violation of them is punished by hazing in a degree to fit the infraction of this self-constituted code. The maintenance of this system of rates is the foundation of much of the hazing which has been indulged in at the academy.

This graduation of rates among the members of the three upper classes extends even to the character of hazing which they may inflict upon the "plebes." A third class man can not inflict certain forms of hazing which a second class man can bestow, and a first class man can indulge in certain hazing practices which are permitted to none of the lower class men. It was brought out in the evidence that only a first class man enjoyed the privilege of sending a fourth class man under the table at meals for an infraction of the unwritten code.

The whole system of unauthorized rates or privileges is indefensible in principle, and its enforcement by unauthorized and unwarranted assumption of power is subversive of discipline.

In March, 1903, Congress passed a law which required "that the Superintendent of the Naval Academy shall make such rules as shall effectually prevent the practice of hazing." There is no record that Admiral Brownson complied with this law. He did, however, call in the members of the first class and require a personal pledge that they would not haze. He secured the same promises from the second and third classes. He informed the president of each of these classes of what he desired, and the classes met and took the desired action. The understanding of the midshipmen, however, was that the agreement applied to physical hazing only. And forms of hazing other than physical, but fully as objectionable, rapidly increased.

These agreements were obtained under compulsion. The first class was informed that in case of refusal it would be sent on board the *Santee* and quartered there. There is no evidence to show that concessions were made in consideration for these promises; but it is a fact that some additional privileges were afterwards given. The midshipmen were hardly fair in carrying out this promise. They carried out the letter of it as defined by themselves, but such practices as requiring fourth class men to perform menial services, sending them under the table to eat their dinners, and requiring them to tell obscene stories, prevailed in an increasing degree. The cadet officers, upon whom the

discipline of the academy rests, betrayed the trust reposed in them and violated their oaths by failing to report these gross violations of the law, of discipline, and of decency.

Any disobedience by fourth class men to upper class men meant that the fourth class man must fight a man selected from the upper class on account of his skill and courage as a fighter. It rarely happened that the under class man would win. He was usually younger and with little training in athletic exercises. If he should happen to win he must fight another and still another upper class man until he was beaten. If he refused, his own class would send him to coventry in disgrace.

A false code of honor grew up among the upper class men, that it was incompatible with their dignity to have their names posted upon the bulletin board for having violated regulations. The cadet officers, therefore, in an increasing degree, failed to report their classmates for breaches of discipline. They failed utterly to comprehend the trust put into their hands which required them to do their duty because it was duty, if it meant the reporting of a roommate for violation of regulations. They did not appreciate that no amount of knowledge of navigation and mathematics would fit a man to become the commander of a ship if he did not put the performance of his duty above everything else.

Under these conditions it is evident that but an excuse or a pretext was needed to restore the practice of physical hazing. This excuse came when Admiral Brownson retired as superintendent of the academy. He called in some of the upper class men and the presidents of the other classes and informed them that they need not consider themselves bound longer by their promise to him; that he considered it a personal pledge and he absolved them from it. Your committee considers that this was a serious error of judgment. The pledge was given to Admiral Brownson as superintendent of the academy. He exacted the promise by his authority and power as superintendent. It should not be considered in any sense as personal.

The upper class men at once construed his action as removing all restraint against physical hazing. The few upper class men at the academy renewed the practice. The glad tidings were sent to the upper class men at sea upon their practice cruise. Upon their return the joyful practice of requiring fourth class men to do the sixteenth, the crew, and to stand upon their heads was resumed with a disposition to make up for lost time. The upper class men, who, protected by the pledge given, had never received physical hazing themselves, hazed the under class men with the rest.

Your committee considers this action of Admiral Brownson as an error of judgment only. We believe that he failed to appreciate the effect of his action upon the minds of the midshipmen.

Such knowledge as we have is that Admiral Brownson conscientiously performed his duties as superintendent.

His action was unknown to the incoming superintendent and his disciplinary officers. They came there in the belief that no hazing existed. Other matters absorbed their attention. They were new to their duties and unacquainted with the midshipmen. An epidemic of diphtheria occurred in September which kept a large number of upper classmen away, and it was not until October 14 that the school year commenced with a full attendance. From that time until a few days

before the Kimbrough case in December nothing occurred to warn them that physical hazing was being practiced in the school.

Your committee will at this point describe the system of discipline at Annapolis. These boys are being educated to positions of command. The basis of military education is discipline. The most important element of military education is to learn to perform at all hazards the duties which military discipline demands. The theory at Annapolis is, then, that the midshipmen shall be largely a self-governing body. That the cadet officers, appointed from the first class, shall learn to put the performance of duty first and highest. That these cadet officers in their last year, just about to graduate from the academy and to become officers in the Navy, shall be the disciplinary officers of the academy, acting as examples in conduct to the lower class men, enforcing the discipline of the academy, not by inflicting punishment themselves, but by reporting offenses against discipline to their superior officers, the naval officers of the academy.

Under this system the number of naval disciplinary officers who have no other duties is very small. Indeed, until the commencement of the present year only one naval officer was on duty at one time in Bancroft Hall, where over nearly 900 midshipmen were quartered. He went on duty at 9.15 in the morning and remained on duty for twenty-four hours. At 10.30 he retired for the night. The cadet officers in charge of each company were then, as all other times, expected to maintain discipline and report violations of regulations to the naval disciplinary officer of the day. When we remember that Bancroft Hall has five floors, that upon these five floors are about 500 rooms, and that the corridors upon which these rooms open are more than $1\frac{1}{4}$ miles in length, we can easily understand that hazing to any extent could prevail without detection except by the cadet officers, unless serious injury should result. In addition to this, access from one room to another on the top floor is easy through the dormer windows.

In the mess hall, where boys were sent under the table to eat their dinners, and stood on their heads in the aisles, the explanation is similar. The mess room is 375 feet in length and 75 feet in width. Over 800 boys are seated there for meals. The confusion is necessarily great on account of the conversation of the boys, the moving about of a large number of waiters and the clatter of dishes. There are over 40 tables with 20 midshipmen at each table. Two cadet officers sit at each table in charge. One naval officer only is present, sitting at a table about the center of the hall. Many of the tables are at his back. He knows nothing of what is going on at the ends of the room and behind his back.

It is evident, then, that the system of discipline in the academy rests upon the fidelity of the cadet officers. When they fail in their duty the system breaks down.

The alternative of this would be what may be termed prison discipline, where a sufficient number of naval officers would be detailed to maintain actual surveillance of the midshipmen. Probably twenty officers would be necessary under this plan. The objections to this plan would be that we have not the officers who could be spared for this purpose. The academy is now short of officers that are urgently needed, but are more needed elsewhere in the opinion of the Department.

But there is a much greater objection. These boys are being fitted for high position. Naval officers should not be educated along prison

lines. Lives and valuable property will be entrusted to their care, perhaps at time of great importance in their country's life. In this school they must acquire habits of self-control. They must be taught a high sense of duty and fidelity to trust reposed in them to fit them for naval officers. It would seem, therefore, that the present theory of maintaining discipline at the academy is the correct one.

This system, however, will not work automatically. It must not be forgotten that these midshipmen are boys; that they average very high physically and are in robust health; that they are full of animal life and spirit. There are nearly 1,000 of them under one roof. Sufficient oversight must be had over them to know that the cadet officers are performing their duties. A sufficient number of naval officers must keep in close touch with them constantly to impress their duties upon them. Frequent tests should be made to be sure that the system of discipline is in good working order. It would seem to your committee that the large number of naval officers who are attached to the academy and engaged in instructing and drilling the midshipmen and performing other duties connected with the academy can be made a more active force in upholding the discipline of the academy.

The regulations of the academy require that all officers attached to the academy having knowledge of violation of regulations or of improper conduct by midshipmen shall report the facts to the commandant of midshipmen. Our impression is that the officers and instructors construe this rule to mean cases of breach of discipline occurring in their presence. They should be required to report knowledge or information coming to them tending to show that violations of order have taken place.

We have referred before to the fact that class fighting is the great weapon with which the system of hazing is enforced. We are unable to find, however, that a large number of class fights take place. The threat of one to a fourth class man usually brings obedience. We can learn of only one class fight during the present school year. The highest estimate of fights of all kinds during the past four years, given by any witness before your committee, was 40.

The records of the surgeons in the sick quarters show seven fights to have been recorded there since October 1, 1904. Copy of the record is as follows:

Number of cases admitted to sick quarters as the result of fighting among midshipmen from October 1, 1904, to present date.

Class.	Date of admission.	Nature of injury.
1	Nov. 1, 1904	Face bruised.
2	Jan. 31, 1905	Do.
4	Feb. 1, 1905	Do.
4	Feb. 13, 1905	Black eyes.
2	do	Do.
4	Feb. 22, 1905	Eyes injured.
4	do	Face injured.
4	Mar. 20, 1905	Injury to both eyes.
4	do	Do.
3	Nov. 6, 1905	Sprained shoulder.
2	do	Hemorrhage of brain; died.

The above is a correct list of all injuries following fighting, for which midshipmen were admitted to the sick list.

J. C. BYRNES,
Surgeon, U. S. Navy, Senior Medical Officer.

The discovery of class fighting between fourth class men and an upper class man is an almost certain sign that hazing prevails or has been attempted.

Every fight which comes to the attention of any officers attached to the academy should, therefore, be promptly reported to the disciplinary officers for investigation.

Your committee finds that the surgeons in the sick quarters do not understand that it is their duty to make a report of fights coming to their notice, nor to make any special inquiries to determine if injuries brought in for treatment were caused by fighting, unless the injury should be of a serious nature, as in the Branch-Meriwether fight.

The midshipman before the committee testified that they felt that they could go to sick quarters for shelter from observation and to be treated for injuries received in fights without being reported. This should be corrected. We were assured by Admiral Sands that orders would be issued to make this information available to the disciplinary officers. If the boys should fail to go to sick quarters for treatment of a bruised face, for example, their appearance would be noticed in class room or drill and reported by the officers or instructors.

Your committee, after the most careful investigation, has been unable to find any evidence showing that there was any connivance at hazing on the part of the disciplinary officers of the school or any remissness in effort to suppress it with but one exception, and this exception was not of a serious nature. Lieutenant Snyder was assigned temporarily to duty as a disciplinary officer for a few weeks last summer. He had the fourth class men out for drill. An official order was read at which nearly the whole class laughed. Lieutenant Snyder felt that he could not report the whole class for punishment, and yet some punishment should be given.

The upper class men who stood by testify that they understood the lieutenant to say that the class should receive a setting up, and that he would be absent from Bancroft Hall during the afternoon. Lieutenant Snyder denies that he told them he would be absent and that he intended any such meaning as the upper class men gave to his words. It is a fact, however, that he was absent from the hall for an hour and a half during the afternoon without any business elsewhere, and that during his absence the lower class men were generally hazed by the upper class men who heard the remarks. It was an unfortunate incident, coming near the commencement of the school year, because it strengthened the impression in the minds of the upper class men that physical hazing could again prevail.

Your committee is of the opinion that the growth of hazing in recent years at Annapolis has been due very largely to the changing conditions of the school. During that time ten millions of dollars have been spent in erecting new buildings and tearing down old ones. During some of the time the midshipmen have been divided among different buildings, entailing a lack of supervision by naval officers.

Again, the number of midshipmen has been increased during the past three years until instead of having 300 about 900 midshipmen are now quartered there. No change was made until the present year in the number of disciplinary officers or the system of maintaining discipline. This lack of supervision encouraged any tendency among the cadet officers to neglect their duty since such neglect remained undiscovered.

Your committee is satisfied that no hazing is practiced there at the present time and has not been since early in December last. We are also satisfied that Admiral Sands will keep it out of the school under the system which he has inaugurated if given proper support. Under the present system Admiral Sands has assigned four officers, especially selected and adapted for this work, as disciplinary officers. They have no other duties. The brigade of midshipmen is divided into four divisions and one of these officers assigned to each division.

Each officer has his office in that part of Bancroft Hall occupied by his division. He inspects their rooms. He establishes close relations with them. They come to him for the permits and privileges which may be granted them. He becomes acquainted with them, knows their names, their faces, and the room where each belongs. At the end of six months he ought to be able to tell those who are studious and well behaved and he has discovered the few who are the trouble makers of the division and need close attention. Every day these officers meet and consult with the commandant of cadets, their superior officer. The commandant also devotes his entire time to the discipline of the academy, reporting to the superintendent.

Your committee is of opinion that the number of disciplinary officers in command of divisions should be increased to six. When the school is full this would give about 160 midshipmen to each division. It seems to the committee that this is a large enough number if the officer is to have the close knowledge and acquaintance which we think should be established with the midshipmen.

In answer to a request for his opinion upon the system of hazing, Admiral Sands gave the following answer:

I consider the term "hazing" to embrace all forms of running and fagging (or menial service), as well as what may be specifically called physical hazing; in brief, any and all forms of unauthorized or illegal requirements of under class men by upper class men, since all such requirements tend to lower the self-respect of the victim, and to restrict him in the exercise of his personal rights and liberty.

In my opinion, hazing is both cowardly and ungentlemanly; cowardly, because it is taking advantage of one more or less helpless and defenseless; ungentlemanly because it is cowardly. For both reasons it is entirely at variance with the ideas and rules of conduct that should prevail in the formation of a naval officer.

I consider that cowardliness in hazing exists in both the perpetrator and the coerced victim; in the former, because he counts upon the defenselessness and non-resistance of the latter; in the latter, because he permits himself to be cowed and coerced without self-assertion of his rights—without resistance.

The superintendent of midshipmen and other disciplinary officers were equally explicit in their answers. Your committee is satisfied that no effort will be spared on the part of the superintendent, commandant of midshipmen, and disciplinary officers to suppress hazing in all its forms in the school. Superintendent Sands has prepared an entire new set of regulations for the government of the academy and is only waiting to see if there will be any change in the law before promulgating them. He has adopted in full the West Point regulations which were suggested by the outbreak of hazing there in 1900-1901. The superintendent will keep in existence, during his stay in the academy, the board of investigation. This is a powerful weapon with which to detect and suppress hazing. This board will be assembled at irregular intervals, a sufficient number of midshipmen called before it, and their evidence taken under oath as to violations of dis-

cipline. This plan has broken up hazing at West Point during the past four years.

The opinion of the midshipmen as a body upon this subject is not wholly satisfactory. The tendency among them is very strong to follow what are termed the traditions of the academy. We desire, however, especially to commend the action of the senior class, the class which will be the first class during the next school year. This class met during the visit of your committee at Annapolis and resolved to discourage and discountenance all forms of hazing including class fighting, running, and the performance of menial service. This action in itself effectually stops hazing during the next school year. All cadet officers are appointed from this class and hazing can not go on without their knowledge. The action by the senior class may be accepted without reserve, as we find that lying is the one thing above all others which the midshipmen as a body will not tolerate.

The third class, which will be the second class at the commencement of the next school year, has taken no action. They deny that their unwillingness to declare as a class against hazing means defiance of the law and of public opinion or an intention not to obey the law. They say that the first class having taken action, any action by their class is unnecessary. Your committee is of opinion, however, that action by this class was discouraged by four or five members of the class who are strong in influence, if not in scholarship. Several of these young men appeared before the committee and defended hazing, declaring, of course, in favor of moderate hazing only. Their attention was called to the fact that every outbreak of hazing, both at Annapolis and West Point, has ended in the death or serious injury of one or more men; that they were attending a Government school to graduate into Government service, and that therefore the ideas of the Government should prevail; that Congress and the country were strongly against hazing. These facts did not seem to shake their faith. This class should receive close attention from the disciplinary authorities during their stay in the school, and any attempts at hazing should be put down with the strong hand.

Your committee finds among the present fourth class (the "plebes"), which has been hazed so much during the present school year, a disposition to consider hazing a rather useful system. Some of them denied that they considered it humiliating to be sent under the table at meals or to be made to stand on their heads.

This feeling will exist until one freshman class shall come into the academy, pass through the various classes, and graduate without being hazed or hazing others during that time.

Your committee has no hesitation in saying that it considers that the present laws upon this subject, by reason of their comprehensiveness and their severity, are a hindrance rather than a help in suppressing hazing. The definition given by the Attorney-General is as follows:

The offense of hazing consists of any unauthorized assumption of authority by one midshipman over another midshipman, whereby the last-mentioned midshipman shall or may suffer, or be exposed to suffer, any cruelty, indignity, humiliation, hardship, or oppression, or the deprivation or abridgment of any right, privilege, or advantage to which he shall be legally entitled.

The history of the courts of the English-speaking race shows that severity of punishment which is out of proportion to the offense makes

the apprehension and conviction of the offender more difficult. When sheep stealing in England was punishable by death more sheep were stolen than at present. If stealing an apple from a street stand and stealing \$10,000 from a bank counter were each punishable by ten years' imprisonment, the boys could steal apples unwhipped of justice. The sweeping definition of the acts of Congress upon hazing, and the definition must necessarily be broad, makes of many petty acts, hardly worthy of notice, serious offenses punishable by dismissal from the academy at the hands of a court-martial. If an upper class man directs a fourth class man to bring him an apple from the mess hall he is subject at present to court-martial for hazing, liable to be dismissed from the academy, his career ruined, and the thousands of dollars invested in him lost to the Government.

It seems to your committee that a number of demerits or the loss of some privilege would better fit the offense. It is doubtful if Congress had in mind the broad definition of these laws, which requires dismissal for petty offenses. This was shown in the action of Congress in the case of the three midshipmen who were dismissed from the academy in the fall of 1903 for hazing. Congress passed a law permitting these boys to be appointed into the service, although not restoring them to the academy, on the ground that the punishment already received was commensurate with the offense.

There is no dispute anywhere that midshipmen showing a mean, cruel, and brutal spirit, whether by hazing or otherwise, should be promptly dismissed from the academy. As naval officers they would be a scourge to their men during life, causing discontent and desertions from their ships. Cruelty is not often an attribute of a brave man. Your committee is of opinion that the laws should be amended so that each case of hazing can be punished as it deserves. A midshipman who hazes another midshipman until he is unconscious and his life endangered, as in the Kimbrough case, should not only be dismissed from the academy, but receive appropriate additional punishment besides. If dismissed only he walks away with a good education provided by the Government and very little stain upon his character.

But it seems absurd to your committee that petty offenses arising out of boyish fun should be put in the same category. Acts of Congress can not make men out of 16 and 17 year old boys. They should be punished as they deserve in each case, receiving demerits, loss of privileges, or such other punishment as the authorities may impose. Under this system acts of hazing, even of a minor degree, would, if persisted in, take a boy out of the academy. Under the demerit system now in vogue at the academy, when a first class man receives 150 demerits, a second class man 200 demerits, a third class man 250 demerits, and a fourth class man 300 demerits for misconduct of any kind during the year he is liable to dismissal. A first class man, then, receiving 100 demerits for a minor act of hazing would understand that he was on dangerous ground and would be careful about repeating the offense.

Your committee desires to be understood as strongly opposed to the system of hazing. Our investigation has convinced us that the system, if unchecked, invariably leads to grave abuses and serious injury to under class men. These recommendations are made in the firm belief

that these changes in the law will make it much more efficient in suppressing the system than the inflexible severity of the present law.

The frequent changes made in Superintendent, commandant of midshipmen, and the disciplinary officers, are a great detriment to the efficiency of the school, especially along the lines of discipline. A year is not too much to enable one of these officers to obtain the close knowledge of the character and disposition of each midshipman necessary to do the best work. Not all men have the natural aptitude to enable them to handle the discipline of a large school successfully. When found, they are kept indefinitely in all the large schools of the country. The Superintendent and other disciplinary officers should be kept at Annapolis for a term of at least four years, and longer, if possible. Not all of them should be changed at one time.

Congressional interference is one of the difficulties in enforcing discipline at Annapolis. The Congress makes by law the highest standard of conduct and punishes violation by severe penalties. But too often Congressmen seem to believe that these laws are made to apply to midshipmen from other districts than their own. Urged doubtless by pressure from home, they seek through the Secretary of the Navy or the President to save their midshipmen from the punishment provided by act of Congress or by the superintendent of the academy. Every time the action of the superintendent is set aside by outside influence his usefulness and authority in the school are impaired.

Under the present hazing law, where the punishment is so far out of proportion to many of the offenses, much justification may be found for outside interference, because the superintendent has no discretion under the law; he must summons a court-martial and try every offense coming to his knowledge, no matter how trivial. Several midshipmen who appeared before the committee were asked when they first knew that hazing is an offense against an act of Congress. They replied that it was when the three midshipmen were expelled for hazing in the fall of 1903. They were equally well informed that these young men were restored to the service through act of Congress.

Your committee believes that each incoming class at the academy should receive special instructions upon the laws and regulations relating to hazing, and should be instructed that it is their right and duty to resist hazing and to report it to the proper authorities.

The authorities at the academy should be commended for their prompt and energetic action upon the discovery that hazing existed in the school. The investigation was thorough and efficient. At its conclusion the superintendent immediately complied with the law by summoning a court-martial and putting the offending midshipmen on trial. Nine midshipmen were found guilty and sentenced to dismissal. In several of these cases the punishment of dismissal seems not too great for the nature of the hazing. In others dismissal seemed too severe and the President has intervened with a pardon. In others sentence has been suspended.

The courts-martial have been suspended, pending this investigation, at the request of the Naval Committee. Unless the law is changed the superintendent must again convene the court-martial and try all the remaining midshipmen who are implicated. Some midshipmen were under arrest when the court-martial adjourned and are unable to attend recitations. This uncertainty is unfavorable to school work.

Your committee suggests that if the hazing law is to be amended it should be taken up by the Committee on Naval Affairs and a law which commends itself to the committee should be brought before the House at the earliest practicable moment.

EDWARD B. VREELAND,
Chairman,

GEORGE A. LOUD,
ALBERT F. DAWSON,
LEMUEL P. PADGETT,

ALEXANDER W. GREGG,
Subcommittee of Committee on Naval Affairs.

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